WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to have a discussion with Senator Adams and Representative Hawkes regarding legislative issues and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

# FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on <u>Tuesday</u>, **January 2, 2018, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

# **CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

# PRESENTATIONS:

7:05 Introductions of Newly Elected Officials and Administration of Oath of Office

# **NEW BUSINESS:**

- 7:10 Mayor Pro Tempore Election
- 7:15 Appointment of City Council Members to Various Committees
- 7:20 Legacy Parkway Truck Ban

# **SUMMARY ACTION:**

(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)

- 7:35 Minute Motion Approving Summary Action List
  - 1. Approval of Minutes from November 21, 2017
  - 2. Approval of Minutes from December 5, 2017
  - 3. Resolution Appointing the City Recorder and City Treasurer
  - 4. Nature Center Water Line Agreement
  - 5. Hunters Creek Land Conveyance
  - 6. Brentwood Subdivision Plat Amendment
  - 7. Tuscany Cove Plat Amendment
  - 8. Christy Lane License Agreement

- 9. Rock Mill Estates Trail Reimbursement Agreement
- 10. Rock Mill Estates 600 North License Agreement
- 11. High School Road Dedication Plat Modification

# **GOVERNING BODY REPORTS:**

# 7:40 City Manager Report

- 1. Fire Monthly Activity Report for November
- 2. Executive Summary for Planning Commission held December 14, 2017
- 3. TDR Report
- 4. Report on Tiger Grant
- 5. Wasatch Choice and Metro Solutions Conference January 23<sup>rd</sup>
- 6. West Davis Corridor Scenic By-way Open House January 23rd
- 7. Pickleball Scheduling Challenges

# 7:55 Mayor Talbot & City Council Reports

# **ADJOURN**

# **CLOSED SESSION**

Minute motion adjourning to closed session for potential sale of property.

DATED this 28th day of December, 2017.

FARMINGTON CITY CORPORATION

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\*PLEASE NOTE: Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder,  $451-2383 \times 205$ , at least 24 hours prior to the meeting.

For Council Meeting: January 2, 2018

# SUBJECT: Roll Call (Opening Comments/Invocation) Pledge of Allegiance

It is requested that City Councilmember Brigham Mellor give the invocation to the meeting and it is requested that Mayor Jim Talbot lead the audience in the Pledge of Allegiance.

For Council Meeting: January 2, 2018

S U B J E C T: Introductions of Newly Elected Officials and Administration of Oath of Office

# ACTION TO BE CONSIDERED:

None.

# **GENERAL INFORMATION:**

Mayor Talbot will introduce Rebecca Wayment, new City Council member. Holly Gadd will perform the administration of Oath of Office for Mayor Talbot, Brigham Mellor and Rebecca Wayment.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

For Council Meeting: January 2, 2018

SUBJECT: Mayor Pro Tempore Election

# ACTION TO BE CONSIDERED:

None.

# **GENERAL INFORMATION:**

Mayor Talbot will take nominations from City Councilmembers for the position of Mayor Pro Tempore. The City Council will then take a vote.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

For Council Meeting: January 2, 2018

S U B J E C T: Appointment of City Council Members to Various Committees

# ACTION TO BE CONSIDERED:

By minute motion, approve the attached Resolution for the appointment of City Council members to various Council Committees, assignments and providing for the appointment of certain individuals to represent Farmington City on various boards, councils and commissions.

# **GENERAL INFORMATION:**

See enclosed staff report prepared by Holly Gadd, City Recorder.



# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
CITY COUNCIL

DAVE MILLHEIM

# City Council Staff Report

To: Honorable Mayor and City Council

From: Holly Gadd, City Recorder

Date: December 28, 2017

Subject: APPOINTMENT OF CITY COUNCIL MEMBERS TO VARIOUS

**COMMITTEES** 

#### RECOMMENDATION

By minute motion, approve the attached Resolution for the appointment of City Council members to various Council Committees, assignments and providing for the appointment of certain individuals to represent Farmington City on various boards, councils and commissions.

#### BACKGROUND

Pursuant to Title 2 Chapter 3 of the Farmington City Municipal Code, the Mayor has the right to appoint persons to fill offices on various commissions, committees and entities, with advice and consent of the City Council. Members of the City Council have already been willingly serving on the various committees. However, with the recent changes to our City Council some adjustments to the committees needed to be made.

Respectfully Submitted

Holly Gadd City Recorder Review & Concur

Tava Meller

Dave Millheim City Manager

# **FARMINGTON, UTAH**

# RESOLUTION NO. 2018-

A RESOLUTION PROVIDING FOR THE APPOINTMENT OF CITY COUNCIL MEMBERS TO AND DELEGATING AUTHORITY TO VARIOUS COUNCIL COMMITTEES, ASSIGNMENTS AND PROVIDING FOR THE APPOINTMENT OF CERTAIN INDIVIDUALS TO REPRESENT FARMINGTON CITY ON VARIOUS BOARDS, COUNCILS AND COMMISSIONS

WHEREAS, pursuant to Section 2-1-170 of the Farmington City Municipal Code, the City Council may from time to time delegate portions of its authority to Council Committees and/or assignments and appoint at least two members of the City Council to serve on such Committees; and

WHEREAS, pursuant to the provisions of Chapter 3 of Title 2 of the Farmington City Municipal Code, the Mayor has the right to appoint, with advice and consent of the City Council, persons to fill offices on various commissions, committees and entities; and

WHEREAS, the Mayor desires to make appointments as herein set forth and the City Council desires to consent to such appointments and to take such additional actions as are set forth herein;

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1.** <u>Delegation to Council Committees.</u> The City Council hereby establishes the following Council Committees and City Council assignments and delegates authority to such Committees and liaisons as provided herein:

# (a) Personnel/Problems Resolution Committee.

- (1) Serves as Board of Appeals on personnel matters/grievances beyond City Manager level.
- (2) Serves as permanent member of Employee Transfer and Discharge Appeals Board.
- (3) Reviews and recommends proposed amendments to Personnel Policies and Procedures.
- (4) Reviews and recommends proposed compensation-related matters for employees and appointed and elected officials.

- (4) Reviews and recommends proposed changes in performance appraisal system.
  - (5) Reviews and recommends proposed staffing changes and needs.
- (6) Upon assignment, hears citizen complaints that are not planning, zoning and building inspection related.
  - (7) Makes recommendations for solutions after receiving input from staff.
- (8) Evaluates various studies and proposals as assigned by the City Council and Mayor and makes recommendation to the City Council.

# (b) City Council Special Events Liaisons

- (1) Serves as liaison between Parks & Recreation Director and City Council in recommending, organizing, promoting and sponsoring City-wide special events.
- (2) Works with Parks & Recreation Director in recommending the number and type of special events held annually based on input from the City's Parks & Recreation Master Plan, staff and citizen input.
- (3) Works with Parks & Recreation Director in submitting names of candidates for chair person over each special event held annually.
- (4) Works with Parks & Recreation Director in developing and recommending policy changes pertaining to promoting and holding of special events.

# (c) Development Review/Economic Development Committee.

- (1) Reviews initial development proposals and negotiates with developers when assigned by the City Council considering input and advice from City staff.
- (2) Reviews staff recommendations for changes to development codes and processes for further consideration by the full City Council.
- (3) Review staff recommendations and/or development proposals which will foster economic development goals of the City consistent with the City's Land Use Plan and will make recommendations to the City Council accordingly.

# (d) Historic Preservation Liaisons

- (1) Serves as liaisons between the Historic Preservation Commission and the City Council.
- (2) Attends meetings upon request and submits policy matters for consideration back to the City Council.

(3) Liaisons do not have voting power.

# (e) Youth City Council Director

- (1) Serves as Director of the Youth City Council.
- (2) Recommends and works with appointed advisors in operating Youth City Council programs and activities.
  - (3) Recommends policy considerations to the City Council.

# (f) Trails Committee Liaisons

- (1) Serves as liaisons between Trails Committee and the City Council;
- (2) Attends Trails Committee meetings and submits policy matters related to trails back to the City Council for consideration.
  - (3) Meets quarterly with Trails Committee officers and City staff.
  - (4) Liaisons do not have voting power.
- Section 2. <u>Appointments to Council Committees and Assignments</u>. The following appointments are hereby made by the Mayor to the Council Committees and assignments and are hereby consented to and approved by the City Council:
- (a) Personnel/Problems Resolution Committee: Mayor Talbot, Brett Anderson and Brigham Mellor
  - (b) Special Events Liaisons: Mayor Talbot and Doug Anderson
- (c) Development Review Committee/Economic Development: Brett Anderson and Brigham Mellor
  - (d) Historic Preservation Liaisons: Cory Ritz
  - (e) Youth City Council Director: **Doug Anderson**
  - (f) Trails Committee Liaisons: Rebecca Wayment
  - Section 3. <u>Appointments by the Mayor and Consent of City Council</u>. The Mayor hereby appoints and the City Council hereby consents to the following:

**Rebecca Wayment** as Farmington City representative to the Davis Chamber of Commerce.

Mayor Talbot, Brigham Mellor and Dave Millheim as Farmington City representatives to the Utah League of Cities & Towns.

Section 4. <u>City Appointments to Special District Board</u>. It is hereby confirmed and ratified that the following-named individual has been appointed as a member of the following special district board with term as indicated:

Cory Ritz, Davis County Mosquito Abatement Board, January 2018 through December 2019.

Mayor Talbot, Wasatch Integrated Waste Board, January 2018 through December 2021.

- **Section 5.** <u>Mayor *Pro Tempore*</u>. In accordance with Section 10-3b-302(2) of the *Utah Code Annotated*, Council Member has been elected by the City Council to serve as Mayor *Pro Tempore* for the period commencing January 1, 2018 through December 31, 2019.
- **Section 6.** Right to Modify Appointments. The City of Farmington, acting by and through its duly-authorized Mayor and City Council, may change and/or terminate any appointment from time to time as deemed in the best interests of the City.
- **Section 7.** Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.
- **Section 8. Effective Date.** This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 16TH DAY OF JANUARY, 2018.

ATTEST:	FARMINGTON CITY		
	By:		
Holly Gadd	H. James Talbot		
City Recorder	Mayor		

For Council Meeting: January 2, 2018

S U B J E C T: Legacy Parkway Truck Ban

# **ACTION TO BE CONSIDERED:**

Approve the enclosed resolution supporting the continuation of the truck ban on Legacy Parkway and asking the State Legislature to remove the sunset of the ban.

# GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen, Community Development Director.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM N. MELLOR CORY R. RITZ CITY COUNCIL

DAVE MILLHEIM

# City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: January 2, 2018

SUBJECT: LEGACY PARKWAY TRUCK BAN

#### RECOMMENDATION

213 Peterson

Approve the enclosed resolution supporting the continuation of the truck ban on Legacy Parkway and asking the State Legislature to remove the sunset of the ban.

# **BACKGROUND**

Trucks with five or more axels or 80,000 lbs. or greater gross vehicular weight are not allowed on Legacy Parkway in accordance with State statute, but this statute will expire on January 1, 2020. However, Legacy Parkway was designed as a parkway to create a special driving experience for the motorist. Farmington City residents living in close proximity to the Parkway, and users of the Legacy Trail, will experience diminished quality of life and recreational experience if the truck ban is not extended. Woods Cross passed a similar resolution last in November, and the remaining south Davis communities are now considering the same thing.

Respectively Submitted Review and Concur

David Petersen Dave Millheim

Community Development Director City Manager

The pull -

<b>RESOL</b>	UTION.		

A RESOLUTION SUPPORTING THE CONTINUATION OF THE TRUCK BAN ON LEGACY PARKWAY AND ASKING THE STATE LEGISLATURE TO REMOVE THE SUNSET OF THE BAN.

WHEREAS: Trucks with five or more axels or 80,000 lbs. or greater gross vehicular weight are not allowed on Legacy Parkway in accordance with State statute; and

**WHEREAS:** The Statutory truck ban on Legacy Parkway will terminate on January 1, 2020 as prescribed in Section 63I-2-272 of the Utah State Code; and

WHEREAS: Legacy Parkway was designed as a parkway to create a special driving experience for the motorist. Allowing trucks on the Parkway will negate the special attributes UDOT had in mind when designing the Parkway; and

WHEREAS: Farmington City residents and those from other communities living in close proximity to the Parkway will experience diminished quality of life due to the increased noise and air pollution created by the trucks if they are allowed on the Parkway; and

WHEREAS: Users on the Legacy Trail will have a diminished recreational experience due to the increased noise and air pollution if trucks are allowed on the Parkway; and

WHEREAS: The unique location of Legacy Parkway adjacent to the Legacy Nature Preserve and existing and possible future conservation subdivisions and areas approved by Farmington City were stated as the purpose of the ban and the negative effects trucks will have on the Nature Preserve and conservation areas such as noise and diminished air quality have not changed.

NOW, THEREFORE, LET IT BE RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH THAT FARMINGTON CITY SUPPORTS THE CONTINUATION OF THE TRUCK BAN ON LEGACY PARKWAY AND ASKS THE UTAH STATE LEGISLATURE TO REMOVE THE JANUARY 1, 2020 SUNSET OF THE BAN.

PASSED AND ADOPTED BY THE FARMINGTON CITY COUNCIL, STATE OF UTAH, ON THIS 2<sup>ND</sup> DAY OF JANUARY 2018.

	Farmington City		
	H. James Talbot, Mayor		
Attest:			
Holly Gadd, City Recorder			

For Council Meeting: January 2, 2018

# S U B J E C T: Minute Motion Approving Summary Action List

- Approval of Minutes from November 21, 2017
- 2. Approval of Minutes from December 5, 2017
- Resolution Appointing the City Recorder and City Treasurer
- 4. Nature Center Water Line Agreement
- 5. Hunters Creek Land Conveyance
- 6. Brentwood Subdivision Plat Amendment
- 7. Tuscany Cove Plat Amendment
- 8. Christy Lane License Agreement
- 9. Rock Mill Estates Trail Reimbursement Agreement
- 10. Rock Mill Estates 600 North License Agreement
- 11. High School Road Dedication Plat Modification

# FARMINGTON CITY COUNCIL MEETING

November 21, 2017

# WORK SESSION

Present: Mayor Pro Tempore Brett Anderson; Councilmembers Doug Anderson, Cory Ritz, Brigham Mellor; City Manager Dave Millheim, Assistant City Manager Keith Johnson, Public Works Director Walt Hokanson, Street Superintendent Ray White, Assistant Street Supervisor Cory Brazell, City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd

Excused: Mayor Jim Talbot, Councilmember John Bilton

# Street Maintenance Funding

Keith Johnson opened the discussion regarding road maintenance within the City. Farmington has seen an increase in traffic and the need for road maintenance has skyrocketed. The City has completed an inventory of the roads and their conditions. Keith Johnson reviewed historical budget and road project information. Chad Boshell discussed the consequences of deferred maintenance and the need to maintain on a continual basis to extend the life of the roads. Chad Boshell noted that before the large growth in Farmington, many of the main roads were maintained by UDOT; the new roads that have since been built in the City have not needed maintenance but soon will need attention.

Preventative maintenance is the best value for the dollar, but some money will need to be spent in rebuilds. The next year will require approximately \$1.5 million dollars in road maintenance. Staff proposed two options for funding: raising property taxes or adding a utility fee both to residential and commercial properties, similar to the storm drain fee. The assessment would be based on trip generation and a long-term funding plan for overall street maintenance. The utility fee would be easier to adjust if needs change in the future. Adding a utility fee would require a public hearing.

The Council discussed the importance of communicating the funding mechanism to residential and commercial owners. They noted the potential political consequences. **Dave Milheim** explained that the Council would only have a window of the next few years to implement a utility fee as there is some thought that the State Legislature would not allow the use of this funding mechanism in the future. The timing to examine and plan for the road maintenance is right.

The staff will present the council with data and projected financials. It would likely be presented to the Council in January and a public hearing could happen in February. **Brigham Mellor** said that the earlier in the calendar year that this could be addressed decreases the likelihood that it becomes a political nightmare.

**Dave Millheim** thanked the City staff that worked on this proposal and the analysis regarding the roads and the need for maintenance.

# **REGULAR SESSION**

Present: Mayor Pro Tempore Brett Anderson; Councilmembers Doug Anderson, Cory Ritz, Brigham Mellor; City Manager Dave Millheim, Assistant City Manager Keith Johnson, Public Works Director Walt Hokanson, Street Superintendent Ray White, Assistant Street Supervisor Cory Brazell, City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd

Excused: Mayor Jim Talbot, Councilmember John Bilton

#### CALL TO ORDER:

Mayor Pro Tempore Brett Anderson called the meeting to order at 7:02 p.m.

# Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by Councilmember **Brigham Mellor** and the **Pled**ge of Allegiance was led by Councilmember **Brett Anderson**.

#### **OLD BUSINESS:**

# **Extension Agreement Billing**

Dave Millheim presented possible action for the Council regarding the 650 West Road Improvement Project billing of extension agreements. The agreed upon plan was to call the extension agreements and bill residents for the work after the fall of 2017. Because the work is not yet complete and some work will be completed in the spring, with funding from the TIGER grant, staff is recommending that residents be billed once the work is completed and a full release of the extension agreement can be offered.

The TIGER grant has not yet been executed by the Federal Government. David Petersen noted that the State has a backup funding mechanism if the grant is not executed before the work needs to be done.

#### Motion:

Brigham Mellor moved for the City to extend the due date of the extension agreement until the TIGER Grant is completed then bill the residents and release the extension agreements upon receiving payment. Cory Ritz seconded the motion which was approved unanimously.

# Storm Drainage Agreement with Country Care Assisted Living

Dave Millheim referenced the information in the staff report and said that this problem related to the storm drainage should have been rectified long ago, and this agreement formalizes responsibility.

Councilmember Cory Ritz recused himself from the discussion and vote on the storm drainage agreement.

#### Motion:

**Doug Anderson** moved to approve the storm drainage agreement as contained in the staff report between parcels located at 513 South 950 West and 903 West 500 South. **Brigham Mellor** seconded the motion which was approved unanimously.

# **SUMMARY ACTION:**

- 1. Lease Purchase Agreement for 2 Dump Trucks
- 2. Local Consent for Tortilla Union's Full-Service Restaurant Liquor License
- 3. Thank you to Residents Affected by 650 West Construction Project

**Brigham Mellor** moved, with a second from **Doug Anderson**, to approve summary action items 1 through 3 as contained in the staff report.

The motion was approved unanimously.

Dave Millheim stated that as part of the letter that will accompany the thank you to residents, he will include information regarding the decision to delay billing/extension agreements until after the work is completed.

Trevor Blackwell, 12014 North Osprey Lane, Spokane, thanked the Council for the approval related to Tortilla Union and stated that the scheduled opening will occur in mid to late February.

# **NEW BUSINESS:**

# Temporary Access Agreement—Burke Lane and 1525 West & Pipeline Relocation Agreement—Burke Lane and 1525 West

Chad Boshell summarized the item and stated that Dominion Energy is replacing large supply lines throughout the Wasatch Front and have recently begun work in Farmington. Staff are meeting regularly to coordinate with Dominion Energy. They will soon begin work through city property located at the corner of Burke Lane and 1525 West. Farmington City owns the property for the purpose of constructing a regional detention basin. It is currently being leased to Steve Flanders. Dominion Energy is requesting a lease of the property to allow for a construction staging and construction area while the pipelines are moved closer to the D&RG trail. Staff is in favor of the relocation of the lines as it will open up the site for the detention basin and surrounding development. The lease term requested is up to 13 months. The lease terms with Steve Flanders allow for the City to terminate the agreement with 30 days notice.

#### Motion:

**Brigham Mellor** moved to authorize the termination of the lease agreement between Farmington City and Stephen M. Flanders regarding City owned property on parcel No. 08-059-0045 and enter into a temporary lease agreement with Dominion Energy for \$13,000. **Doug Anderson** seconded the motion which was approved unanimously.

# Motion:

**Brigham Mellor** moved to authorize the Pipeline Relocation Agreement, Right of Way and Easement Grant, and Quit Claim Deed with Dominion Energy to enable the relocation of the Dominion Energy Pipelines on City owned property on parcel No. 08-059-0045. **Cory Ritz** seconded the motion which was approved unanimously.

# **Discussion of Farmington Rock Survey**

**Eric Anderson** presented the results of the Farmington Rock Survey. He referenced Standards for Construction of Multiple-Family Residential, Commercial, Commercial Recreation or Industrial Conditional Uses, or Permitted Uses on an Undeveloped Site (11-7-070) which includes the following language:

All commercial, commercial recreation and industrial developments shall be designed to include, as a part of the exterior facade of buildings or as architectural elements in the landscape, an element of "Farmington Rock".

Years ago, there was discussion to remove the requirement, but the Planning Commission did not reach a consensus. Reviewing the results of the survey shows a slight preference for the use of Farmington Rock. The results also show that the City's governing bodies are in favor of allowing for more discretion by the city to not require Farmington Rock when it makes sense (determined at site plan). Dave Millheim shared that Jim Talbot is in favor of keeping the Farmington Rock requirement.

Because the code is vague, staff is looking for clarification and a way to fairly enforce the requirement. Staff conducted a review of all non-residential buildings in the City and found that many of them do not have Farmington Rock which demonstrates the uneven application of the ordinance. David Petersen shared that downtown Farmington has a unique identity as it does not have major traffic and retail. He shared that in 1996 the City worked with consultants to create a Downtown Master Plan, which included minimal design standards. There are several areas of the City that have unique features and he suggested that the application of the ordinance could be clarified for each area. Having defined design standards for each area would give specific guidelines when new development comes in, and it would be more easily administered by staff.

**David Petersen proposed** hiring a consultant to develop architecture guidelines for defined areas, which may or may not include Farmington Rock. A consultant would be chosen through an RFP process. The Council approved of the suggestion and directed staff to move forward with the process.

# Consideration of Cancelling December 19th City Council Meeting

**Dave Millheim** explained the request to cancel the December 19<sup>th</sup> City Council meeting because of its proximity to the holidays. He also reminded Councilmembers to closely review the schedule for the 2018 meetings which would be adopted at the December 5<sup>th</sup> Council Meeting.

**Holly Gadd** stated that there would be a ceremony for the outgoing Councilmember on December 5<sup>th</sup> and that the new Councilmember would be sworn in at the first meeting of the new year. These have historically been held on the same night, and it has become a little awkward.

#### Motion:

**Brigham Mellor** moved, with a second from **Doug Anderson** to cancel the December 19 City Council meeting. The motion was approved unanimously.

#### Motion:

At 8:25 p.m., Cory Ritz moved to convene as the Board of Canvassers. Brigham Mellor seconded the motion which was approved unanimously.

# Canvass for General Election Results

The Board of Canvassers were presented with the election results which once approved would become the certified election results. Holly Gadd noted there was a 20 vote discrepancy between total counts and unincorporated counts which does not impact the overall election results.

#### Motion:

Brigham Mellor moved to approve the Farmington General Election results. Doug Anderson seconded the motion which was approved unanimously.

#### Motion:

At 8:27 p.m., Cory Ritz moved to reconvene as the City Council. Doug Anderson seconded the motion which was approved unanimously.

# GOVERNING BODY REPORTS:

#### City Manager Report

Dave Millheim directed Councilmembers to review the Fire Monthly Activity Report for October contained in the staff report.

**Dave Millheim** shared that an orientation process had begun for incoming Councilmember Rebecca Wayment. She will be meeting with department heads, attending the League of Cities and Towns training and will be meeting individually with current Councilmembers. If Councilmembers are interested and available, a two-hour driving tour of the City is planned for January 9<sup>th</sup> as a Council work session.

**David Petersen** shared that David Freed plans to demolish the Steed Home near 100 North and 100 West. City code requires that a plan for the replacement property be in place before a building can be demolished. **David Petersen** has asked that David Freed present the City with a master plan before any demolition will be approved. The Council supported this enforcement of the existing ordinance.

**Dave Millheim** shared information about an application for a shipping container to be used as a shed in a residential area. The staff is interpreting existing ordinance to not allow for such a structure to be used as an accessory building.

# Mayor Talbot & City Council Reports

# Councilmember Cory Ritz

No updates to report.

# Councilmember Doug Anderson

**Doug Anderson** asked about the status of the proposed Farmington High School mascot. **Dave Millheim** reported that the Mayor believes the City should lead out on the issue and a meeting with the school district has been set up.

# Councilmember Brett Anderson

No updates to report.

# Councilmember Brigham Mellor

No updates to report.

# **ADJOURNMENT**

#### Motion:

At 8:46 p.m., Cory Ritz moved to adjourn the meeting.

# FARMINGTON CITY COUNCIL MEETING

December 5, 2017

# WORK SESSION

Present: Mayor Jim Talbot; Councilmembers John Bilton, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, Parks and Recreation Director Neil Miller, City Engineer Chad Boshell, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Councilmember Doug Anderson

# Review of Audit Report

Mike Ulrich, of Ulrich & Associates presented an overview of the financial audit completed for the FY2017 Fiscal Year ending June 30, 2017. The report met the standards for an unqualified opinion, meaning that the City's financial records and statements are fairly and appropriately presented, and materially correct in all aspects for the year. Mike Ulrich stated that because revenues came in higher than budgeted, the City will receive a letter from the Utah State Tax Commission with instructions to reduce the general fund balance in accordance with State Law. Keith Johnson, Assistant City Manager, shared that because much of the overage will be put towards capital road projects, the City will soon be in compliance.

Mike Ulrich highlighted the success of Station Park and other development and showed that revenues have more than doubled in the last 10 years. Budgets need to be re-evaluated as the operating expenses to revenues are not balancing for water costs and recreation. He recommended examining impact and development fees to cover depreciation expenses. Councilmembers congratulated Keith Johnson and the City Staff for maintaining the City's favorable financial position.

# Councilmember John Bilton

John Bilton thanked the staff for their attention to excellent work and service on behalf of the citizens of Farmington. John Bilton expressed that he hoped he had made good decisions on behalf of the City. Mayor Jim Talbot appreciated the stability and wisdom that John Bilton has brought to his 11 years of combined service on the Planning Commission and City Council.

# Brownstone PUD

Eric Anderson, Assistant City Planner, briefly presented information regarding the Brownstone PUD application. He noted that it is currently zoned BR which allows for up to 15 multifamily units per acre. This property is just shy of one-acre and is proposing 14 units. He noted that the applicant is not asking for a density bonus and is offering open space as part of the site plan. Eric Anderson shared that following the first review by the Planning Commission the matter was tabled over concerns of the steep connection to 200 East. The Planning Commission than visited

the site with the developer who noted that fill dirt would be brought in to make the project work. The Planning Commission unanimously approved the application.

David Peterson discussed the S-shaped road and reported that the Planning Commission directed staff to explore curb cuts and possible road connections for the development. As proposed, the project would have one entry point and a crash gate along SR 106.

Staff noted that the applicant is not requesting a rezone, and that the proposed two-story properties, which would be offered for sale, is a good use for the property.

# REGULAR SESSION

Present: Mayor Jim Talbot; Councilmembers John Bilton, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, Parks and Recreation Director Neil Miller, City Engineer Chad Boshell, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Councilmember Doug Anderson

#### CALL TO ORDER:

Mayor Jim Talbot called the meeting to order at 7:05 p.m.

# Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **John Bilton** and the **Pledge** of Allegiance was led by Parker Conners of Boy Scout Troop 981.

Members of the Youth City Council introduced themselves. Sabrina Barnett is currently a junior at Viewmont and plans to be an orthodontist. She loves being on the Youth City Council as a way to serve the community. David Stratford is a junior at Davis High School and would like to be a nuclear engineer. His sister previously served on the Youth City Council and encouraged him to serve. He said that it has been a fun opportunity.

#### PRESENTATIONS:

# Thank John Bilton for his Dedicated Service to the City

Mayor **Jim Talbot** offered words of appreciation for outgoing Councilmember **John Bilton**. He complimented him as being wise, mature and a stable force who moved the city forward in a positive manner. **Jim Talbot** also recognized John's wife, Jana and expressed his appreciation for allowing John to serve.

John Bilton shared how special it is to live in Farmington and noted that the City staff work hard and are dedicated. The City has grown and the budget and tax base have changed. John Bilton shared that he was involved in the hiring of Dave Millheim and the fire chief and other dedicated professionals. He has had the opportunity to work with two mayors and several Councilmembers, all without personal agendas. They make decisions based on what is good for all of Farmington. Staff and leadership have made conservative financial decisions and the City

is in a good position financially. He expressed his love for the community, and thanked his family for supporting him in his decision to serve.

Jim Talbot presented a plaque and a gift to Councilmember John Bilton for his service. Councilmember Cory Ritz expressed appreciation for John Bilton and his thoughtful commitment and always giving his best. Councilmember Brett Anderson said that John Bilton was always well-prepared with intellectual and well-reasoned comments behind his decisions made in Farmington's best interest. Councilmember Brigham Mellor shared about the mentorship that John Bilton offered him as Brigham began his term, and noted that John Bilton was always even keel, and a great friend and ambassador for the community. City Manager Dave Millheim shared that through his years of public service he has encountered many City leaders, and knows that good leaders are able to step back and examine the policy questions and understand their impact on the community. John Bilton was good at doing that and will be missed. City Recorder Holly Gadd shared that she knew John Bilton had studied the issues and was well prepared to provide input on key decisions; she appreciated his support for City staff.

# Review and Acceptance of Audit Report

Mike Ulrich, of Ulrich & Associates presented an overview of the financial audit completed for the FY2017 Fiscal Year ending June 30, 2017. He noted that the General Fund balance increased by \$828,000 over budget as revenues came in higher and expenditures were lower than budgeted. Mike Ulrich said that the balance increased above that which is allowable under State law, but that projects slated for FY 2018 will bring the balance back into alignment. He shared that going forward the City is in a healthy position, but should watch the water fund as it is currently operating at a loss. Mike Ulrich spoke highly of Keith Johnson and his team for the state of the City finances and records.

#### Motion

John Bilton moved, with a second from Cory Ritz to approve the audit report for FY 2017. The motion was approved unanimously.

# Presentation of "Award of Financial Reporting Achievement" to Keith Johnson

Jim Talbot presented Keith Johnson with a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. Jim Talbot noted that this is the 16<sup>th</sup> year in a row that Keith Johnson has received this award. He was complimented for being a great employee who manages the City's finances with a standard of excellence. Keith Johnson thanked the Mayor and the Council for their support, and expressed appreciation for Mike Ulrich and his team.

#### **PUBLIC HEARINGS:**

# Brownstone PUD Subdivision Schematic Plan and Preliminary PUD Master Plan

Eric Anderson presented information from the staff report noting that the applicant desires to develop one-acre of property located in the southern portion of the triangle between State Street, 200 East, and SR106. The proposed Brownstone Subdivision has 14 townhomes consisting of

two groups of 4 and one group of 6. The main spine road through the proposed development goes from 200 East to 185 East (SR106), and makes an "S" shape. There is a proposed crash gate for fire access, but not for through traffic. He noted that the site has steep grade changes, but that the applicant proposes the use of fill dirt and stepped lots to fit the topography. The property is currently zoned BR which allows for up to 15 units. Staff is recommending approval as the townhomes would be for sale and preferable to apartments. Because the development is using a zero lot line (the property line being a shared wall between townhomes) the project needs to go through PUD approval. The applicant is not asking for a density bonus and plans to provide 35% open space. As a condition of approval, curb, gutter, and sidewalk on the west side of 200 East will be installed to State Street. Staff feels this is a good infill project with no change to existing zoning. The project was unanimously recommended for approval by the Planning Commission.

Applicant, Alan Cottle, 1073 East Woodmore Drive, Bountiful, will be the developer and builder on this project. He has been approached to build more affordable housing and found this property and thought townhomes would be a good fit. The units would be for sale and each have a two-car garage and two-car driveway. He said that he has worked with the City Development Director, the Planning Commission, the Fire Marshall and UDOT to plan the development. He has also reached out to neighbors regarding the project.

Mayor Jim Talbot introduced the rules of the Public Hearing made the request of those present to limit their comments to three minutes, and be mindful not to repeat information previously presented but rather add new information with their comments.

# Mayor Jim Talbot opened the public hearing at 7:50 p.m.

Greg Firth, 448 East 100 South, Kaysville, spoke on behalf of his father in law who lives on 200 East. He asked for clarification regarding where curb and gutter would be installed, what type of retaining wall would be in place and expressed concern over a disruption in power, sewer and water services during construction. He also expressed concern regarding where the driveway comes out of the property in relation to his father-in-law's property line. Jim Talbot asked the applicant to answer Greg Firth's question at the conclusion of the public hearing.

**Dale Scow**, 244 South Dexter Circle, was concerned about snow removal along the private drive and where the snow would end up getting dumped. He also noted that there was a considerable grade to the property which would make a sewer connection difficult and may require a pump system.

**Brandon Arrington**, 1268 St. Andrews Drive, owns a building at 47 South 100 East, and shared that he did not have opposition to the project and felt the development was congruent with other pieces of land.

Vicki Valentine, 216 East State Street, said that Alan Cottle had not met with neighbors until encouraged by the Planning Commission. She disagreed with the project being compared to Farmington Station because the Brownstone development would be attached units. She expressed concern regarding the difficulty for garbage removal on the tight curved road, a potential for snow buildup at the crash gate and the potential fire hazard of residents grilling on

their back decks. From her review of the site plan, the only common space in the development was road, but the City is representing that the applicant is providing 35% open space. She asked for clarification about how that was calculated. Overall, she stated that the design was unsafe and not a benefit to the community. **Jim Talbot** acknowledged receiving an e-mail of her concerns.

**Sheronne Valentine**, 216 East State Street, said that it was a special place to live, and felt that the proposal jammed too many units into a small triangle of property. The driveway would be along a hill with poor visibility. She expressed that there were too many units with little green space, and could not see the lawn or trees on the site plan. She is not in favor of the proposed development.

# Mayor Jim Talbot closed the public hearing at 8:00 p.m.

Alan Cottle shared that he was new to the approval process and acknowledged that he did not reach out to neighbors until receiving approval from the Planning Commission. He stated that some neighbors received him warmly, and others did not. He acknowledged the condition for curb and gutter abutting his property but said he was not responsible for curb and gutter on the opposite side of the street which he does not own. He addressed the steepness of the property and described the way fill dirt will be used to create stepped lots which will also have a retaining wall. The project will be fully landscaped and snow removal will be handled by a private company. There is a place on the south side of the four-plex which would allow for snow storage. The project will tie-in to sewer lines along Main Street so no pumps will be needed and services will be interrupted for a few hours maximum. Responding to questions from Councilmembers he noted that the turn radiuses are large enough for garbage and fire, and a three point turn could be made along the S-curve. He also stated that he was open to working with UDOT for a curb cut shared with the school district property to make a through street through the project, but acknowledged that visibility would be an issue.

Eric Anderson outlined his process for calculating open space at 35% using mapping software and noted that it excludes the road from the calculation. This is measured to make sure that the site tabulations represented by the applicant are accurate. He also clarified that storm water and sewer concerns would be addressed in a review by engineering and public works staff. He said that behind each unit will be four feet of patio and common area, and any fire hazards would be addressed at permitting stage.

Brett Anderson noted that the applicant has the right to put in apartments under current zoning and that to deny the current application could face a legal challenge. He stated that what is proposed, with for-sale units that are only two-stories, could be a best case proposal. Eric Anderson noted that a denial is only appropriate if the conditions to mitigate the City's concerns are not able to be addressed and that the threshold is very high. Dave Milheim said that cities have been advised to remove conditional uses from their code and that if a project meets the rules of the zoning with reasonable efforts, the property owner has vested rights.

John Bilton noted that letters sent from Blaine and Barbara Lutz, Ray F. Cox, and Vicki Valentine, were received and reviewed by council and should be entered into the record.

**John Bilton** stated that the staff should work with the applicant and UDOT to explore access to SR 106 to allow for a through street.

#### Motion

**Brett Anderson** moved to approve the schematic plan for the Brownstone PUD Subdivision subject to all applicable Farmington City ordinances and development standards and conditions 1-7 and findings 1-9. **Brigham Mellor** seconded the motion which was approved unanimously.

#### Motion

**Brett Anderson** moved to approve the preliminary PUD master plan for the Brownstone PUD Subdivision subject to all applicable Farmington City ordinances and development standards and conditions 1-7 and findings 1-9. **Cory Ritz** seconded the motion which was approved unanimously.

# **Conditions for Approval:**

- 1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
- 2. The applicant shall obtain approval from the Fire Marshall for the private road prior to submittal of preliminary plat;
- 3. All driveways must meet the 14% slope requirement as set forth in Section 11-32-060(A)(4), and compliance must be demonstrated for each driveway prior to or concurrent with preliminary plat consideration;
- 4. The applicant shall provide building footprints for each lot on the final PUD master plan, showing the location of the proposed home to the lot;
- 5. All outstanding DRC comments for schematic plan shall be addressed on preliminary plat;
- 6. The units will be stepped to fit the topography, as per the elevations submitted;
- 7. Curb, gutter, and sidewalk on the west side of 200 E. shall be installed to State Street.

# Findings for Approval:

- 1. The proposed plans meet the requirements of the subdivision and zoning ordinances of a BR (PUD) zone.
- 2. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
- 3. The applicant is **not proposing** a PUD because he desires increased density, rather, the PUD is so that he can deviate from the standards of the underlying zone, particularly as it relates to setbacks. Therefore, the applicant does not need to provide 20% open space; this notwithstanding, the applicant is providing 35% open space as common area.
- 4. The HOA is intended to maintain the common areas of the project.
- 5. The proposed plans are consistent with the General Plan.
- 6. The attached landscape plan is of a high design quality and meets the standards set forth in Section 11-27-070.
- 7. The attached elevations are of a high design quality and meet the standards set forth in Section 11-27-070.

- 8. The subject property is allowed density up to 15 units/acre by city ordinance, and the applicant could feasibly propose two apartment complexes (an 8-plex and a 7-plex). However, the applicant is proposing fourteen for sale townhomes, which is preferable.
- 9. The proposed project is removed from the road and set amidst high intensity uses such as the Monte Vista School, the Davis School District Administration Buildings, and commercial uses like the Chevron Gas Station, the Rock Hotel Dental Offices, etc.

#### **NEW BUSINESS:**

# Ordinance Establishing Dates, Times and Place for Holding Regular City Council Meetings

Holly Gadd noted that the January meetings were changed to the 2<sup>nd</sup> and the 16<sup>th</sup> and the first meeting in April would not be held to avoid Spring Break scheduling challenges. Jim Talbot recommended that the meeting on October 30 not be scheduled, but could be held on an asneeded basis.

#### Motion

Cory Ritz moved to approve the Ordinance Establishing Dates, Times and Place for Holding Regular City Council Meetings, excluding the meeting on October 30 which would only be held if needed. Brett Anderson seconded the motion which was approved unanimously.

# SUMMARY ACTION:

- 1. Approval of Minutes from November 7, 2017
- 2. Resolution Raising Tennis Court Reservation Fees and Implement Pickleball Court Rental Fees
- 3. Resolution Changing Soccer Registration Fees

John Bilton asked that the minutes from November 7, 2017 be corrected on page 6 to indicate that his contrarian opinion was offered after Cory Ritz and Doug Anderson had spoken in opposition, and John Bilton had stated that a supermajority was required to move the project forward.

Brett Anderson asked staff to clarify how many courts would be open once the pickleball reservation system was in place. Dave Millheim noted that only two could be reserved, the remaining six would be open on a first come first served basis.

#### Motion:

**John Bilton** moved, with a second from **Brigham Mellor**, to approve summary action item 1 through 3 as contained in the staff report with the correction to item 1. The motion was approved unanimously.

# **GOVERNING BODY REPORTS:**

# City Manager Report

No updates to report.

# Mayor Talbot & City Council Reports

# Councilmember Cory Ritz

No updates to report.

# Councilmember Brigham Mellor:

Brigham Mellor asked about an RFP which was issued for design services for a new liquor store. He asked if the City was going to have any say in where it was or what it looked like. Jim Talbot said, in his experience, the State is willing to meet with local leaders and blend with existing buildings. Dave Millheim noted that the proposed property is currently owned by the State Department of Transportation and would need to be surplussed and transferred to DABC. Dave Millheim asked State representatives that the City be informed and involved once the property is secured.

# Councilmember Brett Anderson

Brett Anderson reported that the Trails Committee asked about the name for the regional park. Jim Talbot stated that the City was pursuing sponsorship opportunities related to naming the park. The Trails Committee would like to use way finder signs along the trails with information about how the trails link to one another. The signs could be scanned and provide geolocation information. Dave Milheim said that the City has obtained a grant which would support some of this and suggested that the Trails Committee start with the main trails and develop the logo, signage options to provide consistency, and then spread to other trails with additional grant funding.

# Councilmember John Bilton

John Bilton acknowledged the memo regarding the thank you and project update related to the 650 West construction and approved of the City's actions. He asked for additional information regarding the memo received about shipping containers as an accessory building. Dave Millheim noted that this item has a long history and wanted to inform the Council about how Staff was interpreting the ordinance as it relates to accessory buildings and the prohibition of shipping containers for that use,

John Bilton also thanked Dave Millheim for following up related to some constituent concerns.

# Mayor Jim Talbot

Jim Talbot reminded Councilmembers about the Christmas Party at his home.

Jim Talbot shared that the County is looking at Police and Fire within the County and the possibility of pursuing a Countywide Unified Police Department. The City is not interested in joining a coalition, and feels its departments work well with other cities. Jim Talbot suggested that the recommendation from the City be for the County to focus on changes that may need to be made with the current Sheriff's Department.

Jim Talbot shared proposed schematics for the roundabout landscaping project and shared information about a high pressure water line controlled by Weber Basin Water District. Jim Talbot stated that the Weber Basin Water District would work with the Bureau of Reclamation to and the City to enable the water feature on the property.

# **CLOSED SESSION**

#### Motion:

At 9:00 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of character and competency of an employee. **Brett Anderson** seconded the motion which was unanimously approved.

# Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, **do** hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Jim Talbot, Mayor

#### Motion:

At 9:10 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **John Bilton** which was unanimously approved.

# ADJOURNMENT

#### Motion:

At 9:11 p.m., Brigham Mellor moved to adjourn the meeting.



# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM N. MELLOR CORY R. RITZ CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

# City Council Staff Report

To:

Mayor and City Council

From:

Holly Gadd

Date:

December 18, 2017

SUBJECT:

RESOLUTION APPOINTING THE CITY RECORDER AND CITY

**TREASURER** 

# RECOMMENDATION

Approve the attached Resolution appointing Holly Gadd as City Recorder and Shannon Harper as City Treasurer.

# BACKGROUND

Pursuant to Utah Code Section 10-3-916, the City is required to appoint a recorder and treasurer after a municipal election.

Respectfully Submitted

Holly Gadd

City Recorder

Review & Concur

Vave pulle

Dave Millheim City Manager

# FARMINGTON, UTAH

RESOLUTION NO.	
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# A RESOLUTION OF THE FARMINGTON CITY COUNCIL APPOINTING THE FARMINGTON CITY RECORDER AND FARMINGTON CITY TREASURER IN ACCORDANCE WITH STATE LAW

WHEREAS, pursuant to *Utah Code Annotated* Section 10-3-916, the City is required to appoint a recorder and treasurer; and

**WHEREAS**, the Mayor, with the advice and consent of the City Council, desires to make the appointments as required by statute;

# NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Appointment**. The following individuals are hereby appointed to the designated offices within Farmington City. The persons appointed shall serve at the pleasure of the City Council and until their successors are appointed and qualified. The persons appointed and their appointments made herein shall be subject to the ordinances, rules and regulations of Farmington City and the laws of the State of Utah:

City Recorder

Holly Gadd

City Treasurer

Shannon Harper

- Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.
- Section 3. **Effective Date**. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 2ND DAY OF JANUARY, 2018.

# ATTEST: By: Holly Gadd H. James Talbot City Recorder Mayor



# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM N. MELLOR CORY R. RITZ CITY COUNCIL

DAVE MILLHEIM

# City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: January 2, 2018

SUBJECT: NATURE CENTER WATER LINE AGREEMENT

#### RECOMMENDATION

Approve the enclosed agreement for the purpose of providing culinary water to the The George and Dolores Dore'Eccles Wildlife Education Center located at approximately 1900 West and 1125 South (south of Glover's Lane).

#### BACKGROUND

The State's new nature center, now under construction, at the Farmington Bay Waterfowl Management Area, must have culinary water. The attached document is a three-way agreement between the State, County and City which contains terms and conditions whereby the State and County agree to construct/install and maintain the improvements and the City agrees to provide the water.

Respectively Submitted

David Petersen

Community Development Director

Review and Concur

Dave Millheim City Manager After recording return to:

Curtis Koch
Davis County Clerk/Auditor
Davis County Administration Building
61 South Main Street
Farmington, Utah 84025

This document prepared by:

Thomas A. Shaw
State of Utah
Department of Administrative Services
Division of Facilities Construction
and Management
State Office Building, Suite 4110
Salt Lake City, Utah 84114

Davis County Tax ID #08-081-0061 (Davis County)

# WATER LINE AGREEMENT

This Water Line Agreement (this "Agreement") is made and entered into effective November 01, 2017, by and between Davis County, a political subdivision of the State of Utah, hereinafter referred to as the "COUNTY", Farmington City, a Utah municipal corporation, hereinafter referred to as the "CITY", and the State of Utah Division of Facilities Construction and Management, hereinafter referred to as the "STATE".

#### RECITALS

- A. The STATE intends to construct a Nature Center (the "Nature Center") for the use and benefit of the Utah Division of Wildlife Resources as generally depicted on Exhibit "A" attached hereto and by this reference made a part hereof ("Nature Center Plans") on property owned by the STATE located at approximately 1900 West and 1125 South, Farmington City, Davis County, Utah 84025, as more particularly described on Exhibit "B" attached hereto and by this reference incorporated herein (the "State Property") to meet the growing demand of visitors to the Farmington Bay Water Fowl Management Area.
- B. A culinary water system and related improvements (the "Improvements") as depicted on the Nature Center Plans is necessary for the STATE to establish a fully functional Nature Center on the State Property, and the CITY is the only reliable source for culinary water in the area.
- C. The Nature Center is located approximately 3,700' from the CITY's nearest culinary water trunk line.

- D. The Nature Center and the anticipated extension of the CITY's culinary water system is located in unincorporated Davis County, outside the CITY limits, and approximately 2,100' of such 3,700' total extension is located in the COUNTY right-of-way.
- E. It is anticipated that the Nature Center will enhance tourism in the area and be of economic benefit to both the CITY and COUNTY.

#### **AGREEMENT**

In consideration of the forgoing recitals, which recitals are incorporated herein by reference, the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, CITY, COUNTY and STATE agree as follows.

- 1. COUNTY agrees to install and extend, at COUNTY's sole expense, the Improvements from the south end (or termination point) of the CITY's existing public culinary trunk line located at approximately 875 South 1525 West, thence south in the 1425 West right-of-way to Glover's Lane, and thence west in the Glover's Lane right-of-way in the property more particularly described on Exhibit "C"; attached hereto and incorporated herein by reference (the "ROW Property") to and ending at the STATE owned access road to the Farmington Bay Water Fowl Management Area (which leads to the Nature Center), all as illustrated on the Nature Center Plans. Thereafter the STATE is responsible to extend the Improvements from Glover's Lane to the Nature Center.
- 2. The STATE has caused construction drawings for the Improvements to be prepared consistent with the CITY's standards, which drawings the CITY has stamped and approved. The CITY shall inspect and approve the installation of the Improvements to ensure such installation meets CITY standards. The COUNTY shall be responsible for the inspection and approval of construction and/or replacement work related to road services in public right-of-way, which may include, among other things, asphalt patch, road base compaction and thickness specifications, and so forth.
- 3. The Improvements shall include a fire hydrant (or fire hydrants) at locations as shown on the Nature Center Plans and approved by the Fire Marshall, constructed to industry standards and specifications.
- 4. Notwithstanding that the COUNTY is constructing, or causing the construction of, a significant portion of the Improvements, the STATE will retain ownership of and have responsibility for the operation and maintenance of the Improvements, including Improvements to be installed on the ROW Property starting at the CITY's existing culinary water system.
- 5. The STATE hereby grants a license to the CITY, and the COUNTY hereby grants a license to the CITY, for the purpose of reading the water meter, operating the

- hydrant(s) and performing periodic inspections of the fire flow system. The water meter shall be installed consistent with the Nature Center Plans.
- 6. The STATE shall prepare and/or grade the Nature Center Property to accommodate fire flows from time to time, which Nature Center Property will accept and allow water flows from the fire hydrant without creating erosion or damage. The STATE agrees to indemnify and hold the CITY and its officers, employees, agents and representatives harmless from any liability or damages whatsoever caused as a result of or arising out of normal fire flow testing from fire hydrants owned by the STATE.
- 7. The CITY shall permit connection of the Improvements to the CITY's culinary water system as contemplated by this Agreement, which Improvements shall be for the sole benefit and use of the Nature Center.
- 8. The STATE shall pay all required and customary CITY fees associated with the Improvements.
- 9. This Agreement shall inure to the benefit of, and be binding upon, COUNTY, CITY and STATE and their respective elected officials, officers, representatives, employees, agents, successors and assigns. This Agreement shall be recorded with the Davis County Recorder and shall be deemed to run with the State Property. This Agreement may be amended only by a written amendment executed by COUNTY, CITY and STATE.

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10. Upon execution of this Agreement and payment of all required connection and construction related fees, the CITY agrees to issue a notice to proceed to the COUNTY and STATE in accordance with the CITY's standards.

IN WITNESS WHEREOF, the COUNTY, CITY and STATE have signed this Agreement as the effective date above.

### **COUNTY**

**DAVIS COUNTY** 

By:\_\_\_

James E. Smith

Chair, Davis County Board of Commissioners

ATTEST!

Curtis Koch

Davis County Clerk/Auditor

Approved as to Form:

Office of Davis County Attorney

STATE OF UTAH

)§

**COUNTY OF DAVIS** 

On the 14th of November, 2017, personally appeared before me James E. Smith and Curtis Koch, who represented to me that they are the Chair of the Davis County Board of Commissioners and the Davis County Clerk/Auditor, respectively, and they each acknowledged before me that they signed the above and foregoing instrument on behalf of Davis County.

NOTARY PUBLIC

SHAUNA A. BRADY
Notary Public State of Utah
My Commission Expires on:
October 8, 2021
Comm. Number: 697097

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# CITY

# **FARMINGTON CITY**

Ву:		
	H. James Talbot	
	Mayor	
	•	
ATTEST:		
	-	
Holly Gadd		
City Recorder		
A L As December		
Approved as to Form:		
Office of the Farmington Ci	ty Attorney	
Office of the Lathington Ci	ritorio	
STATE OF UTAH	)	
	)§	
COUNTY OF DAVIS	)	
	,	
On the of	, 2017, personally appeared before me H. James	
Talbot and Holly Gadd, who	o represented to me that they are the Mayor of the City of Farmington	
and the City Recorder of the	e City of Farmington, respectively, and they each acknowledged	
before me that they signed to	he above and foregoing instrument on behalf of the City of	
Farmington.		
	NOTARY PUBLIC	

DFCM
By:
APPROVED AS TO FORM: /S/ Mike Kelley Assistant Attorney General
STATE OF UTAH ) ) COUNTY OF SALT LAKE )
On the of, 2017, personally appeared before me James R. Russell, who represented to me that he is the Director of the State of Utah, Division of Facilities Construction and Management, and he acknowledge before me that he signed the above and foregoing instrument on behalf of the State of Utah, Division of Facilities Construction and Management.
NOTARY PUBLIC

# EXHIBIT A NATURE CENTER PLANS



· A

# The George S. and Dolores Doré Eccles Wildlife Education

PERMIT SET February 13, 2017 orcm ProJect #: 15034520



LANDSCAPE

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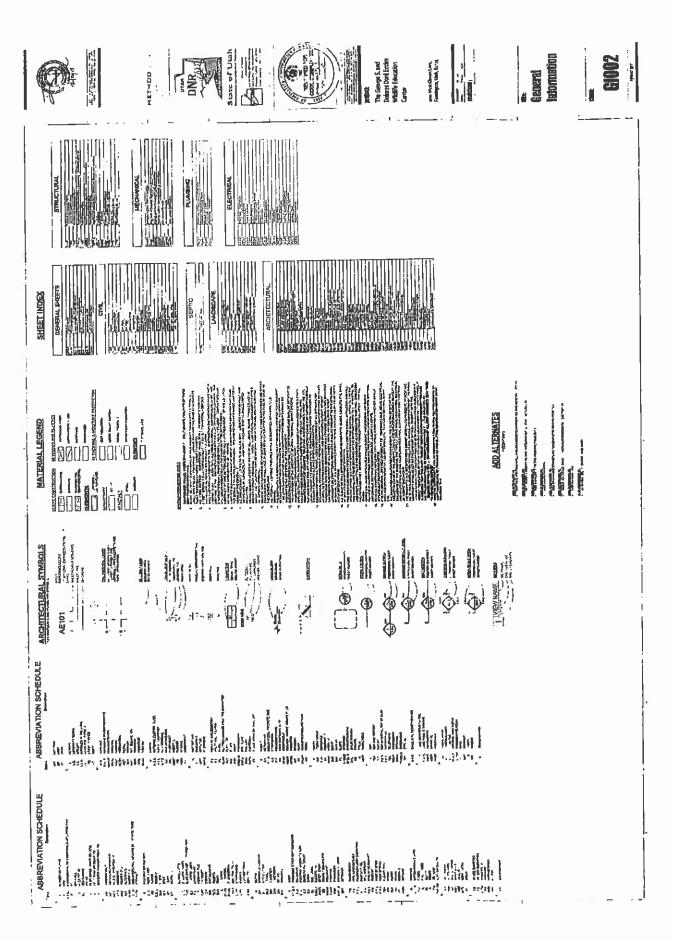


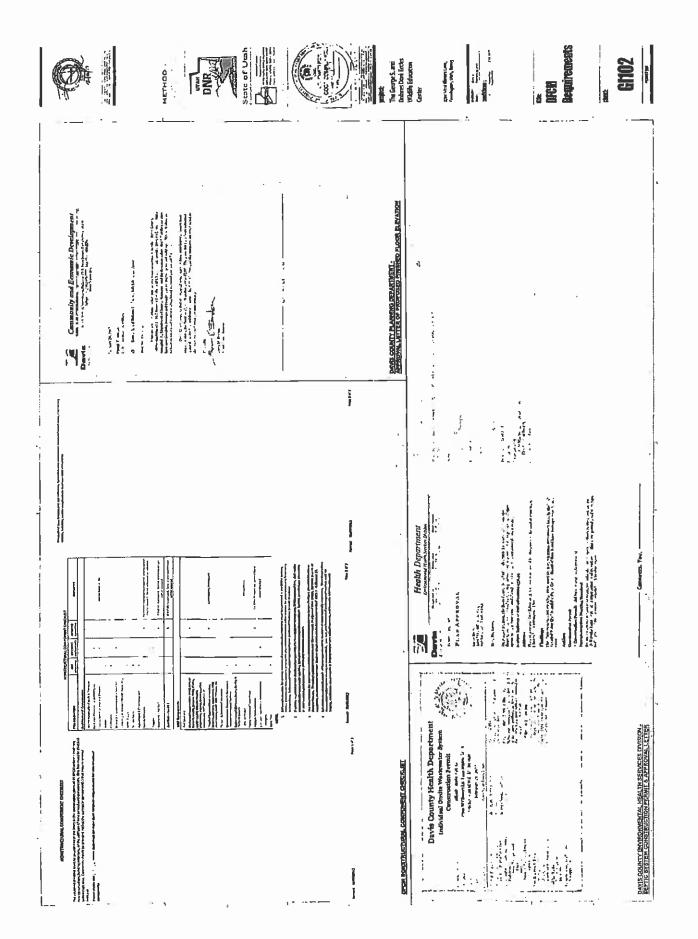


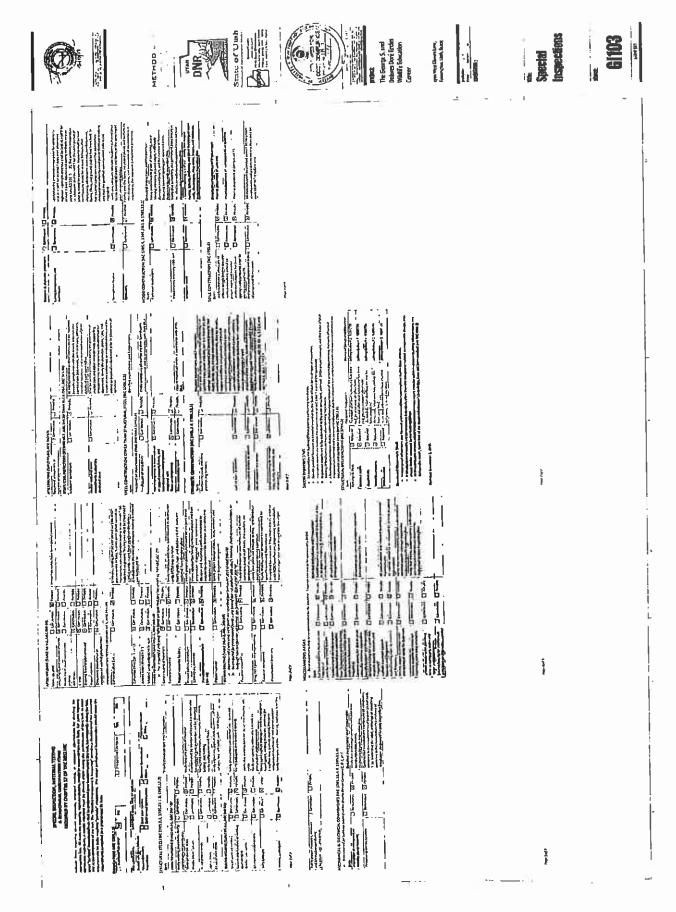


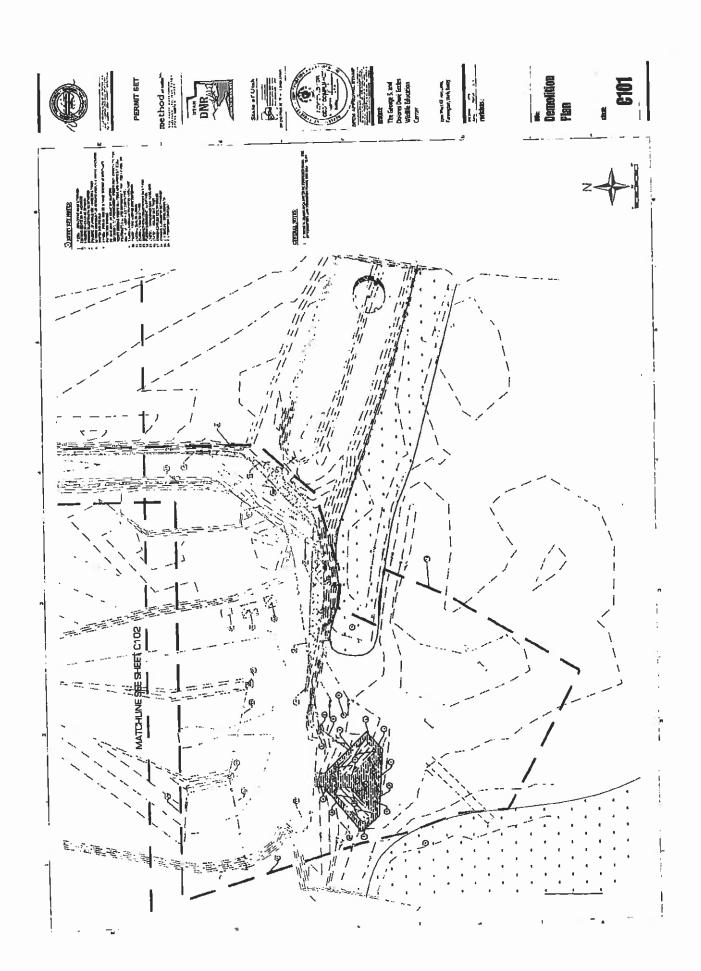
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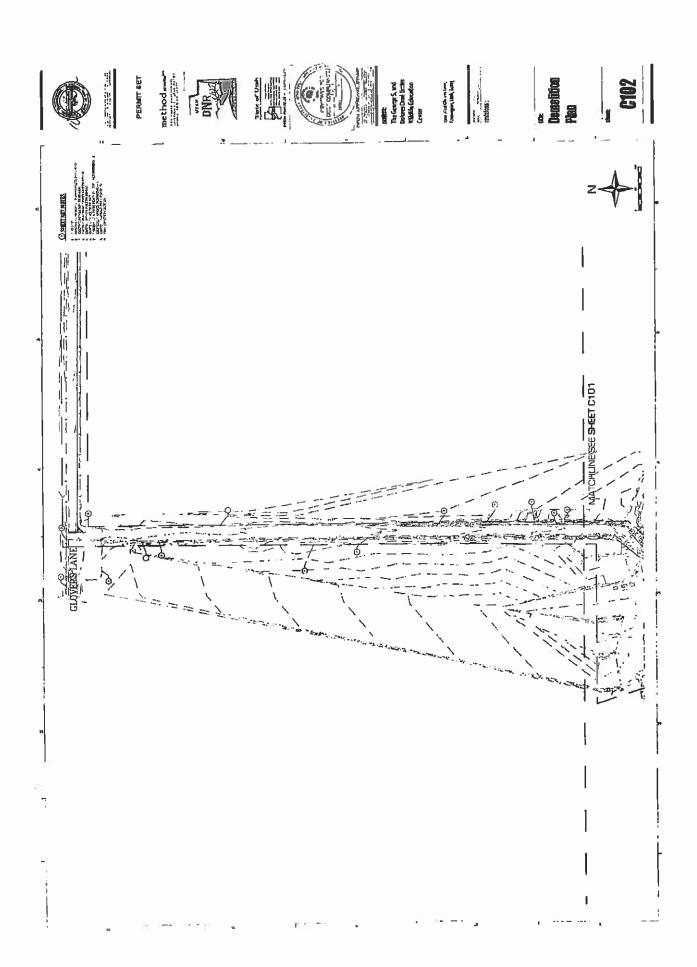
State of Utah

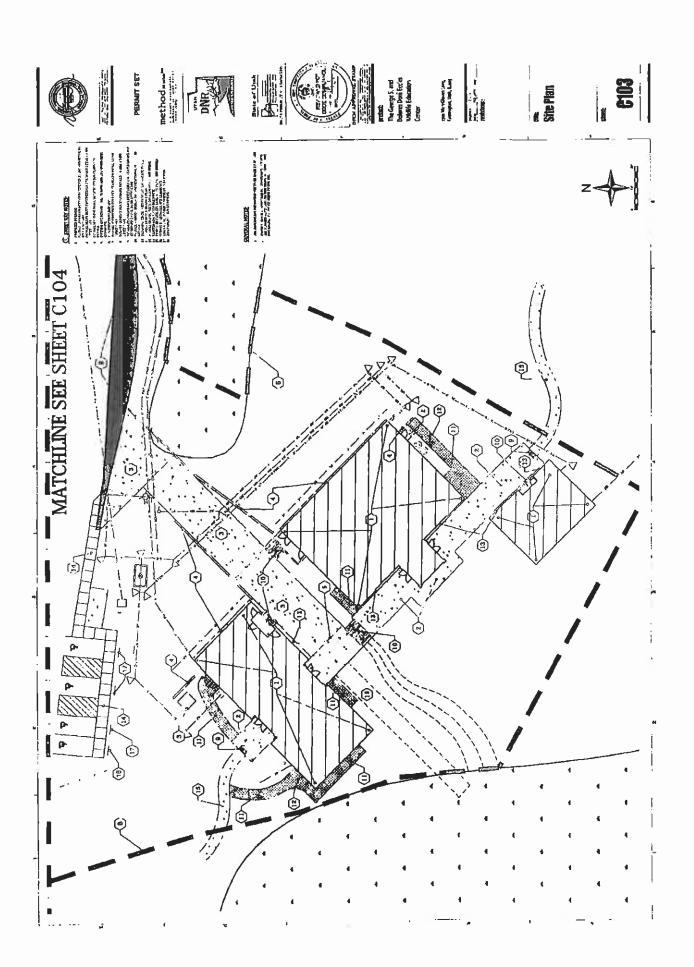


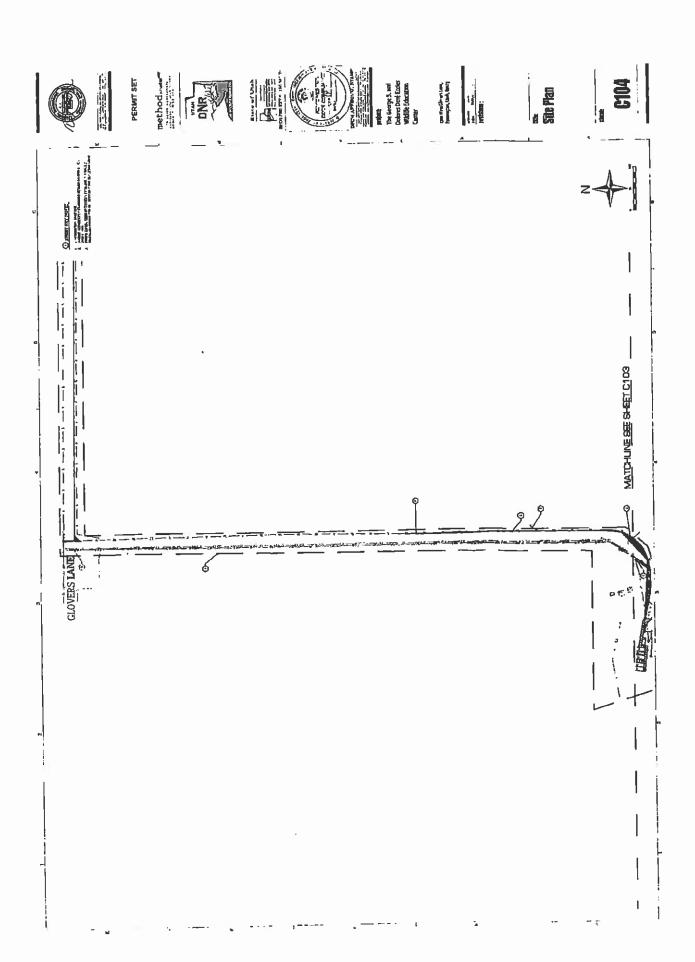


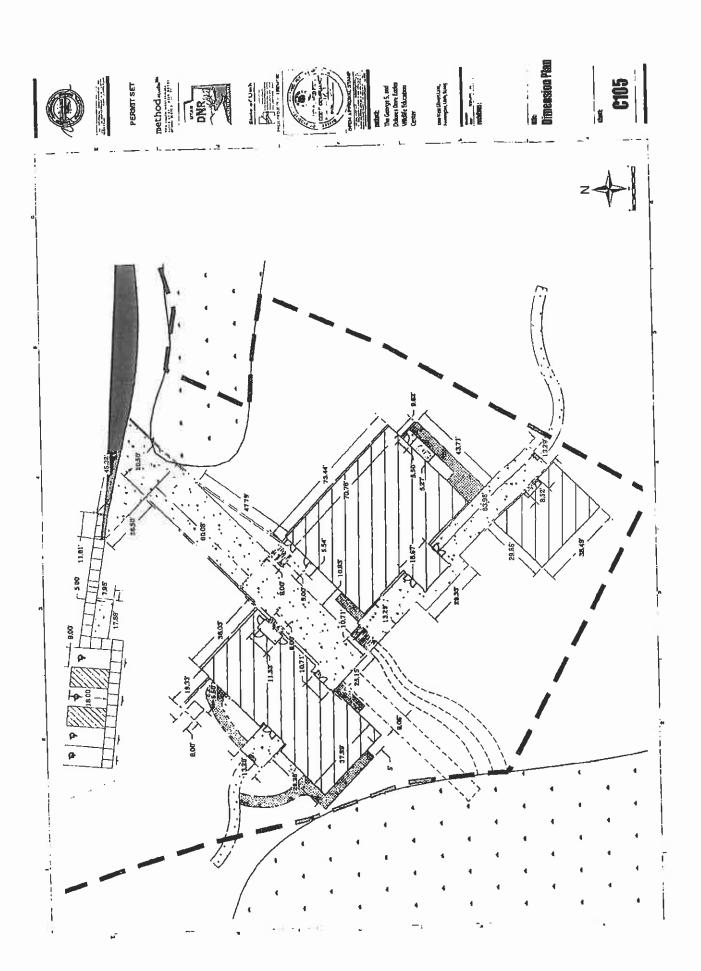


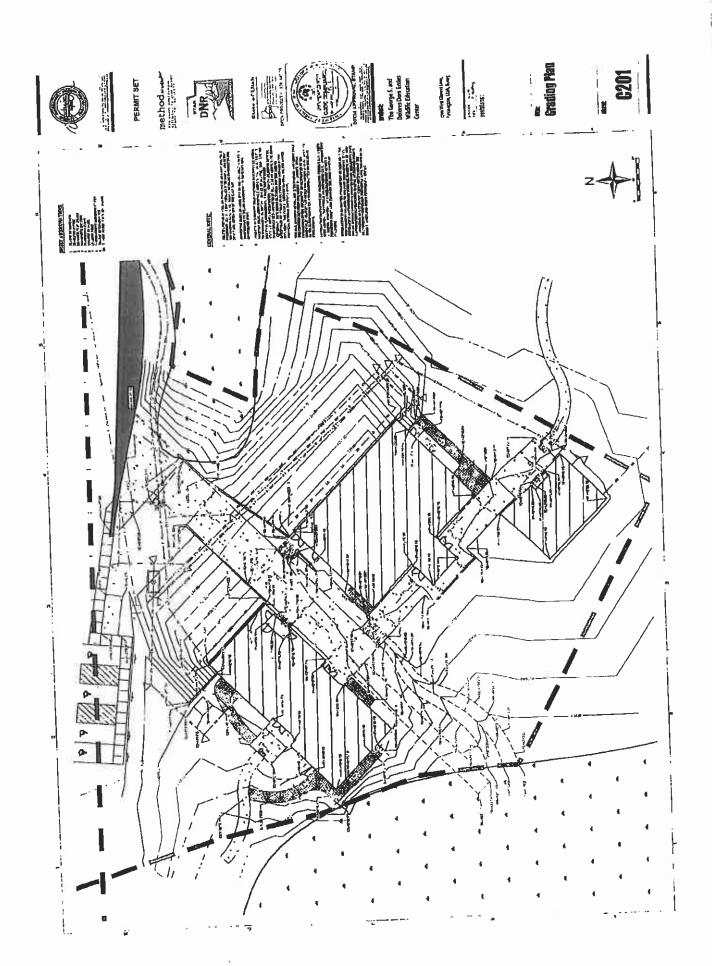


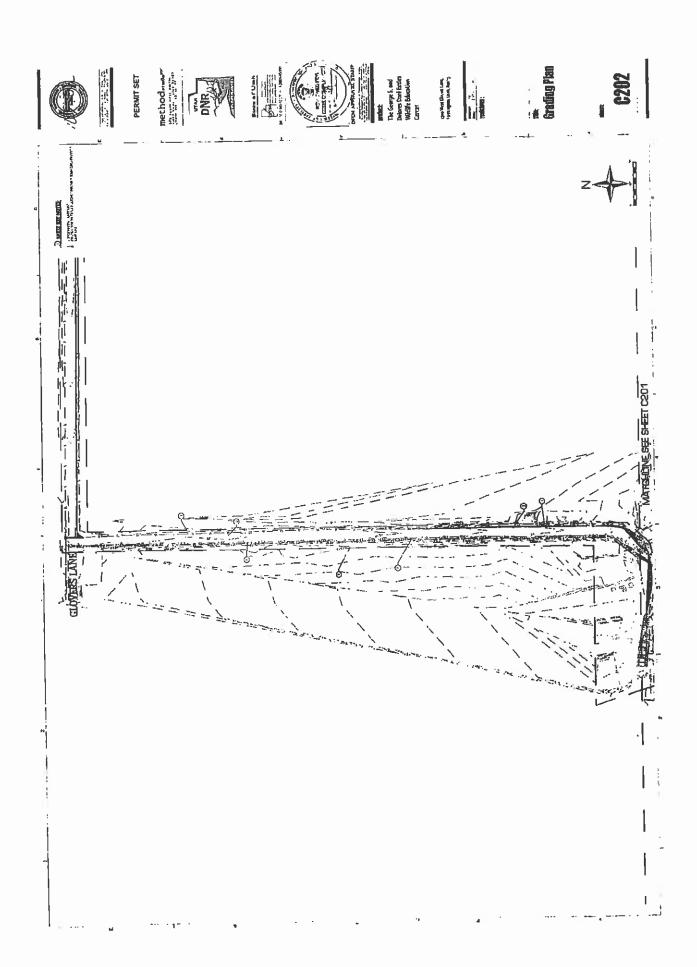


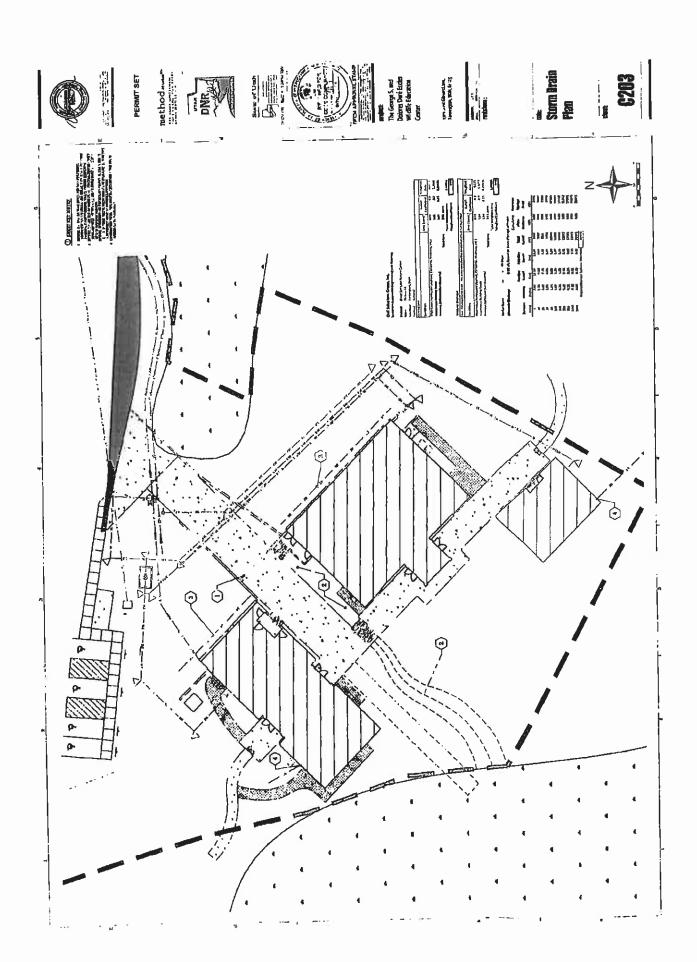


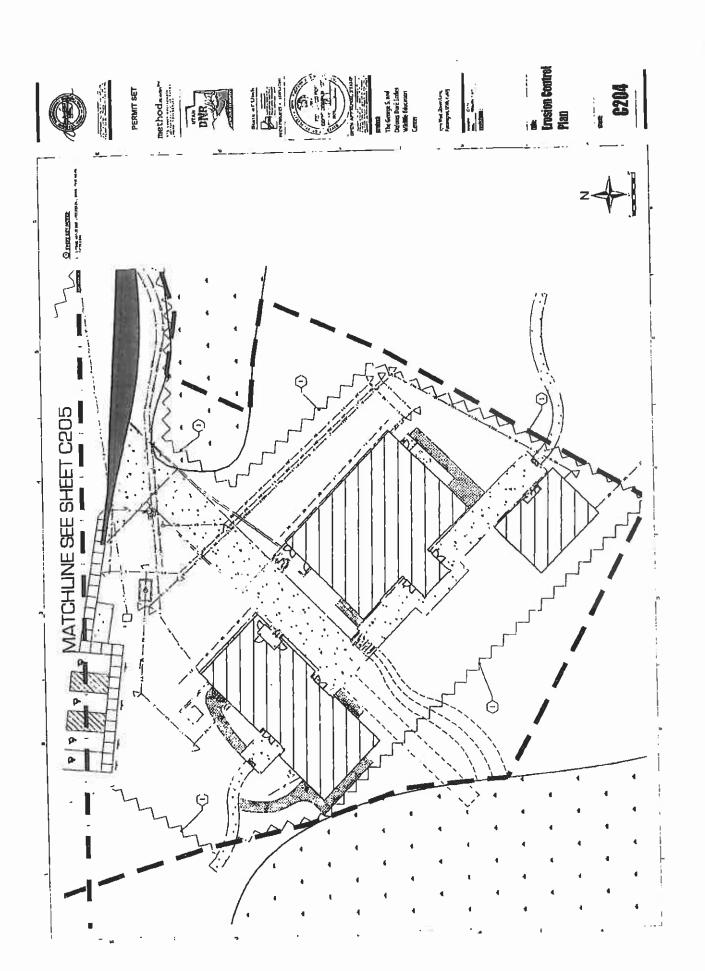


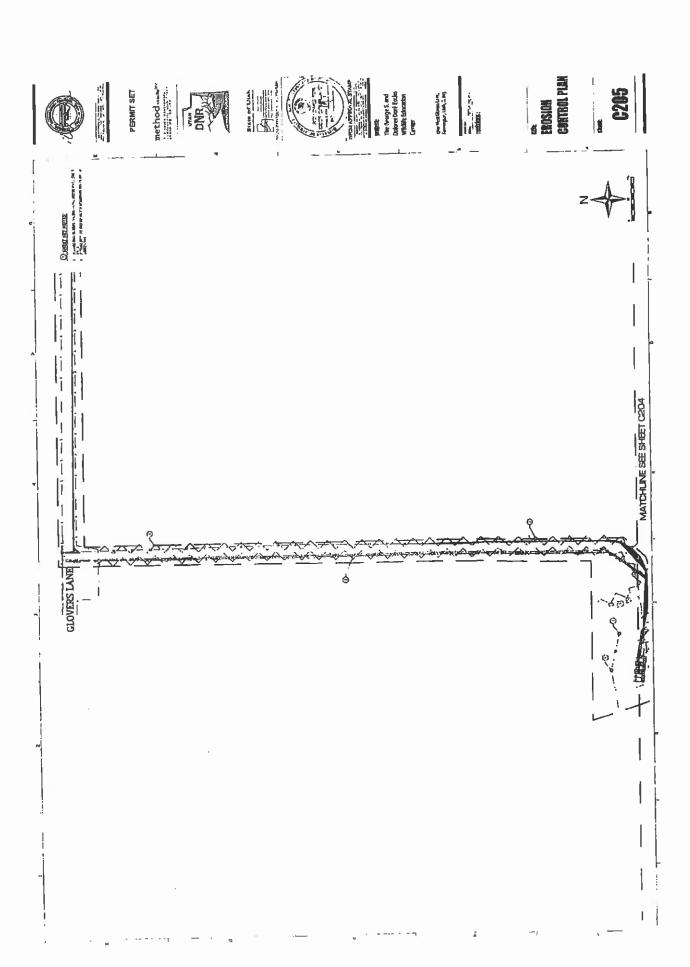


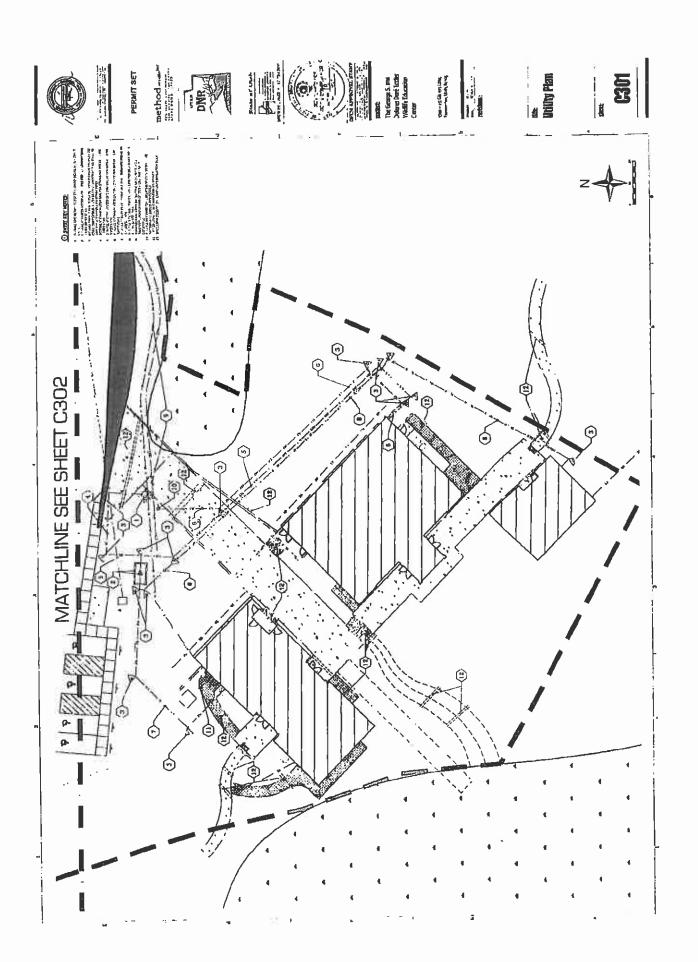


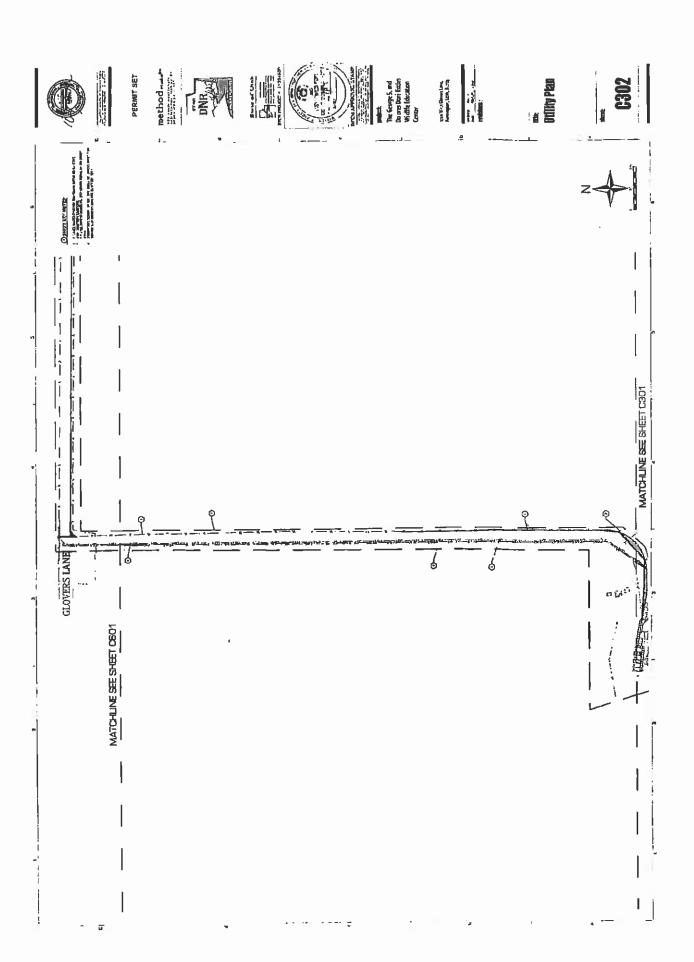


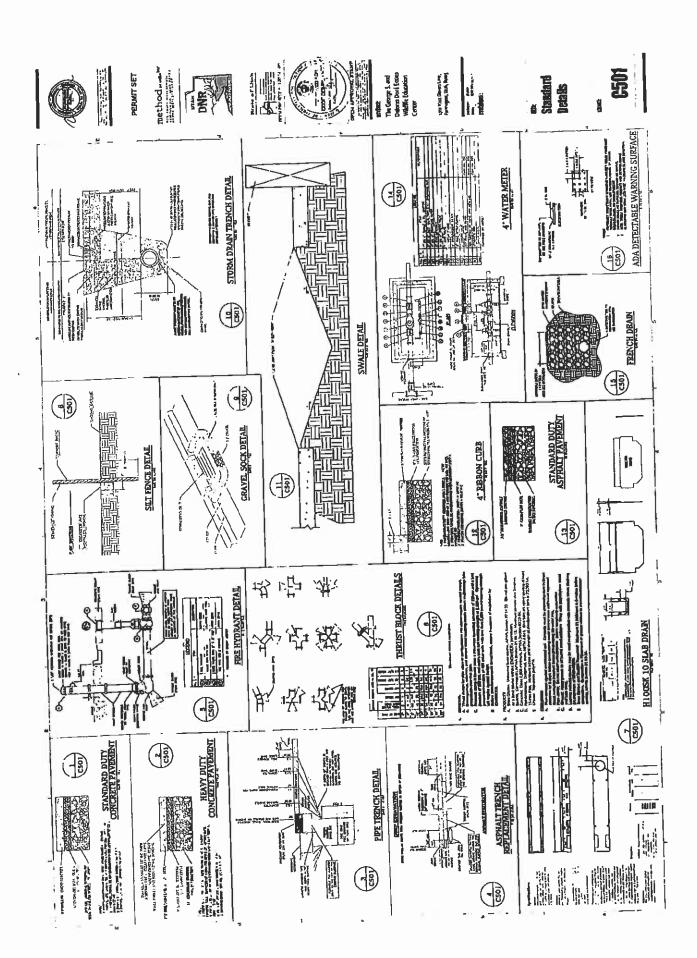


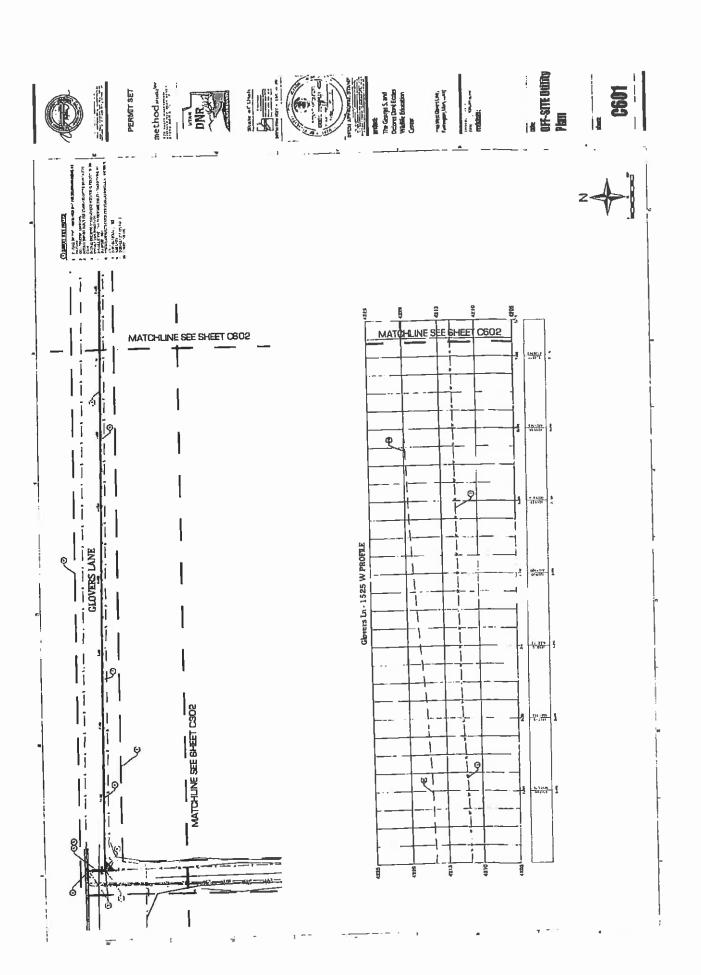


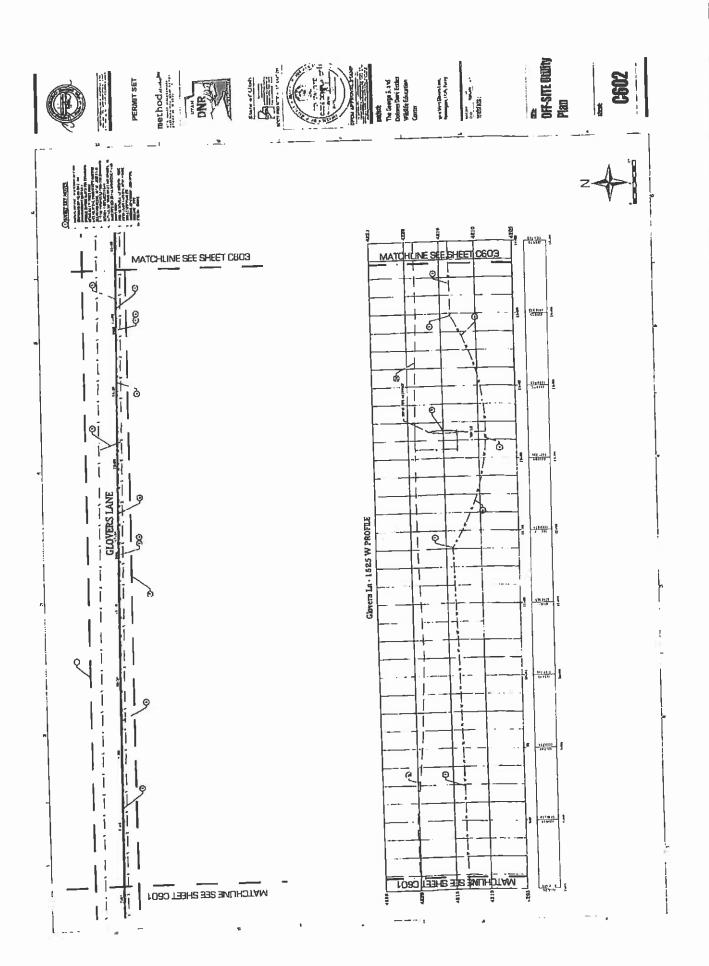


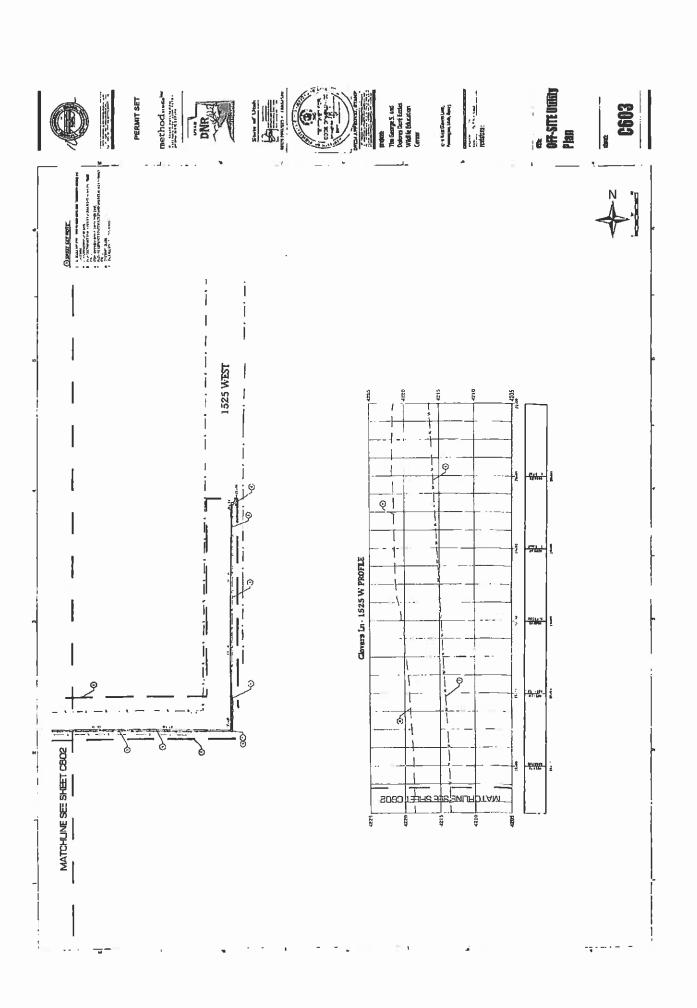


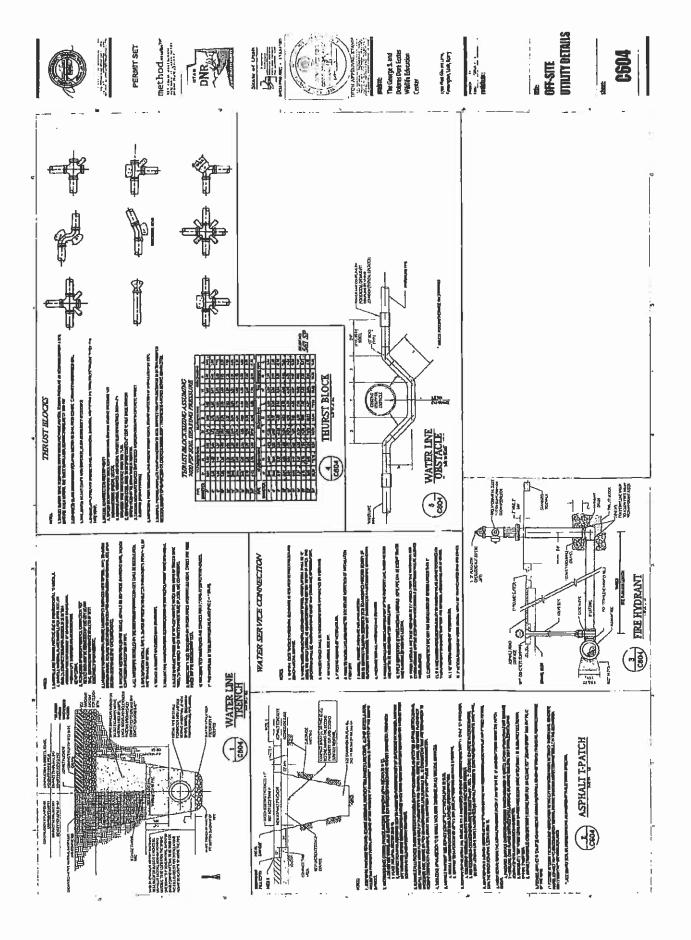


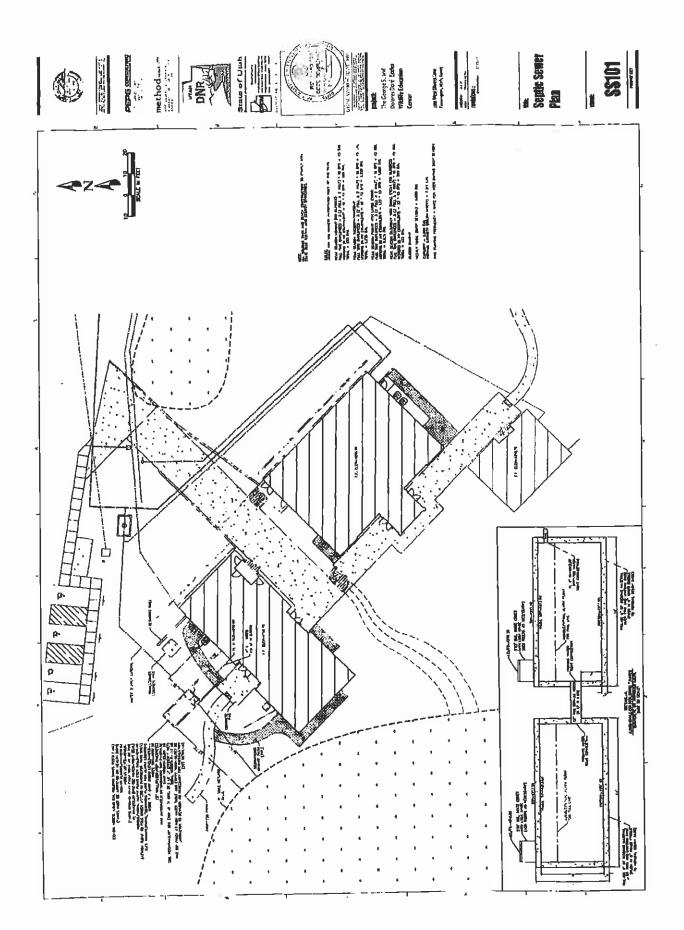












# EXHIBIT B STATE PROPERTY

A PARCEL OF LAND IN FEE TITLE FOR WETLANDS MITIGATION, LOC IN SEC 27-T3N-R1W, SLM, MORE PART'LY DESC AS FOLLOWS: BEG AT THE SE COR OF SD SEC 27; & RUN TH DUE W 610.50 FT TO THE MEANDER LINE OF THE GREAT SALT LAKE; TH ALG SD MEANDER LINE THE FOLLOWING 3 COURSES & DISTANCES: N 36^00' W 1056.00 FT, N 08^00' E 924.00 FT, DUE N 858.00'FT; TH LEAVING SD MEANDER LINE; & RUN S 89^44'44" E 574.91 FT; TH N 11^52'56" W 626.12 FT; TH N 2^02'47" W 167.88 FT; TH N 89^27'22" E 658.74 FT TO THE SEC LINE; TH ALG THE SEC LINE S 0^15'24" E 680.20 FT TO THE E 1/4 COR OF SEC 27 (COR NOT IN PLACE); TH S 0^01'04" E 122.86 FT TO THE S LINE OF GLOVER LANE; TH S 89^37'09" E 723.62 FT ALG SD LANE; TH S 0^01'04" E 660.00 FT; TH S 89^37'09" E 2746.01 FT; TH S 01^15'51" W 1765.80 FT; TH N 89^31'53" E 330.10 FT; TH S 1^15'51" W 66.00 FT; TH S 89^31'53" W 3758.75 FT TO THE SEC LINE; TH S 0^01'04" E 660.00 FT TO THE POB. CONT. 233.59 ACRES

### EXHIBIT C ROW PROPERTY

WATER LINE
IN PORTIONS OF 1525 WEST & GLOVER LANE
Part of (Davis County Tax ID #08-081-0061)

A 10.00 foot wide waterline easement across a portion of the NW1/4 and the SW1/4 of Section 26, Township 3 North, Range 1 West, Salt Lake Base & Meridian, Davis County, Utah, more particularly described as follows:

Beginning at a point located N0°04'42"W along the 1/4 Section line 177.45 feet and West 124.93 feet from the Center 1/4 Corner of Section 26, T3N, R1W, S.L.B.& M.; thence S0°25'20"W 316.90 feet; thence N89°34'25"W along the southerly line of Glover Lane 1,798.68 feet; thence N0°11'57"W 28.18 feet; thence N89°48'03"E 10.00 feet; thence S0°11'57"E 18.28 feet; thence S89°34'25"E 1,778.78 feet; thence N0°25'20"E 306.90 feet; thence S89°34'40"E 10.00 feet to the point of beginning.

Contains: 21,239 square feet, more or less.



# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BLITON BRIGHAM N. MELLOR CORY R. RITZ CUTY COUNCIL

DAVE MILLHEIM CITY MANAGER

### City Council Staff Report

To:

Honorable Mayor and City Council

From:

David E. Petersen, Community Development Director

Date:

January 2, 2018

SUBJECT:

**HUNTERS CREEK LAND CONVEYANCE** 

### RECOMMENDATION

Approve the enclosed deed conveying a strip of land abutting portions of the north and west boundaries of the Hunter's Creek Subdivision as set forth in Exhibit "A" thereto (Davis County Tax I.D. #08-530-0455) to the Hunters Creek Home Owners Association (HOA) subject to the City retaining the existing trail easement thereon.

### BACKGROUND

The City owns this strip of land, and a related trail easement, which land was originally intended to be HOA property per previous subdivision approvals by the City. Several months ago this issue was brought to the attention of the City Council, and the Hunters Creek HOA is now ready to accept the property.

Respectively Submitted

David Petersen

Community Development Director

213 Petersen

Review and Concur

Dave Millheim City Manager WHEN RECORDED MAIL TO: Farmington City Corporation 160 South Main Street P.O. Box 160 Farmington, Utah 84025

Space above for Recorder's use

# Quit-Claim Deed

Farmington City, grantor, hereby QUIT CLAIM to Hunters Creek Home Owners Association, grantee, for the sum of Ten Dollars and other good and valuable consideration, all of their respective right, title and interest in the following parcel of land in Davis County, State of Utah known as Tax Parcel # 08-530-0455, and described more fully on Exhibit A, attached hereto and incorporated herein by reference.

In witness whereof, the grantor has ca day of, 2017.	used its signature to be hereunto affixed this		
GRANTOR			
ATTEST:	CITY OF FARMINGTON		
	a Utah municipal corporation		
Ву:	Ву:		
Holly Gadd, City Recorder	H. James Talbot, Mayor		
STATE OF UTAH )			
) ss. County of Davis )			
On the day of	, 2017, James Talbot, the Mayor of		
Farmington City, personally appeared before me and duly acknowledged to me that he executed the same on behalf of the City.			
•			
NOTARY PUBLIC			
Residing in County, Utah			
My Commission Expires:			





# FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM MELLOR CORY RITZ CITI COLVEIL

DAVE MILLHEIM

City Council Staff Report

To:

Honorable Mayor and City Council

From:

Eric Anderson, City Planner

Date:

January 2, 2018

SUBJECT:

**PLAT AMENDMENTS:** 

A. BRENTWOOD ESTATES SUBDIVISION

Applicant: Dustin Dickamore

B. TUSCANY COVE AT LAKEPOINT SUBDIVISION

Applicant: Brock Johnston

### RECOMMENDATION

1A. Move that the City Council approve the Brentwood Estates Subdivision Plat Amendment as set forth herein.

### AND

1B. Move that the City Council approve the Tuscany Cove at Lake Pointe Subdivision Plat Amendment, and the related enabling ordinance authorizing a vacation order as set forth herein.

### **BACKGROUND**

A. BRENTWOOD ESTATES - The applicant (Dustin Dickamore) wishes to combine two lots (Lots 21 and 22) of the Brentwood Estates Subdivision. Plat amendments require staff to send a 10-day protestation letter to every property owner within the subdivision, and if the City receives a letter of protest, then the amendment must be a public hearing. If no letter of protestation is received by the City, then the item need not be a public hearing. In the case of this application, Ivory Homes still owns all of the lots within the subdivision plat; the applicant obtained a letter of recommendation from Ivory, therefore this item does not need to be a public hearing. Because this proposal is reducing density by combining lots, staff is recommending approval of this plat amendment.

**B.** TUSCANY COVE AT LAKE POINTE - The applicant (Brock Johnston) desires to build two homes abutting the Tuscany Cove at Lake Pointe Subdivision to the west, and has obtained special exception approval from the Planning Commission to have a shared driveway for the two lots, as well as City approval for a boundary line adjustment moving the property lines of the parcels making it possible for the applicant to move forward with construction. The applicant has begun the building permit process, but in reviewing the site plan, staff noticed that there was a boundary line bisecting the southerly parcel (070710085). After researching the matter, staff discovered that at some point, Rainey Homes did a deed swap for the subject property and combined the county tax identifications for the two parcels; however, this constitutes an illegal subdivision because the removal of the parcel from Lot 13 in the Tuscany Cove at Lake Pointe Subdivision did not receive City approval. Amending the Tuscany Cove subdivision (by changing the subdivision boundary), vacating this parcel of land out of the subdivision, and combining it with parcel 070710085 will remove the boundary line, and rectify the illegal subdivision issue. The reason the plat must be amended is because the boundary of the subdivision is changing, and the parcel that is being vacated will no longer be part of the Tuscany Cove at Lake Pointe Subdivision. Staff is recommending that the City Council approves this item because it will clean up the plat and allow Rainey Homes to move forward with building the two homes.

### Supplemental Information

- 1. Vicinity Map Brentwood Estates Subdivision
- 2. Letter of Approval from Ivory Homes
- 3. Brentwood Estates Subdivision Plat Amendment
- 4. Vicinity Map Tuscany Cove at Lakepoint Subdivision
- 5. Tuscany Cove at Lake Pointe Subdivision Plat
- 6. Boundary Line Adjustment Record of Survey
- 7. Tuscany Cove at Lakepoint Plat Amendment
- 8. Enabling Ordinance Vacation Order

Respectfully Submitted

Eric Anderson

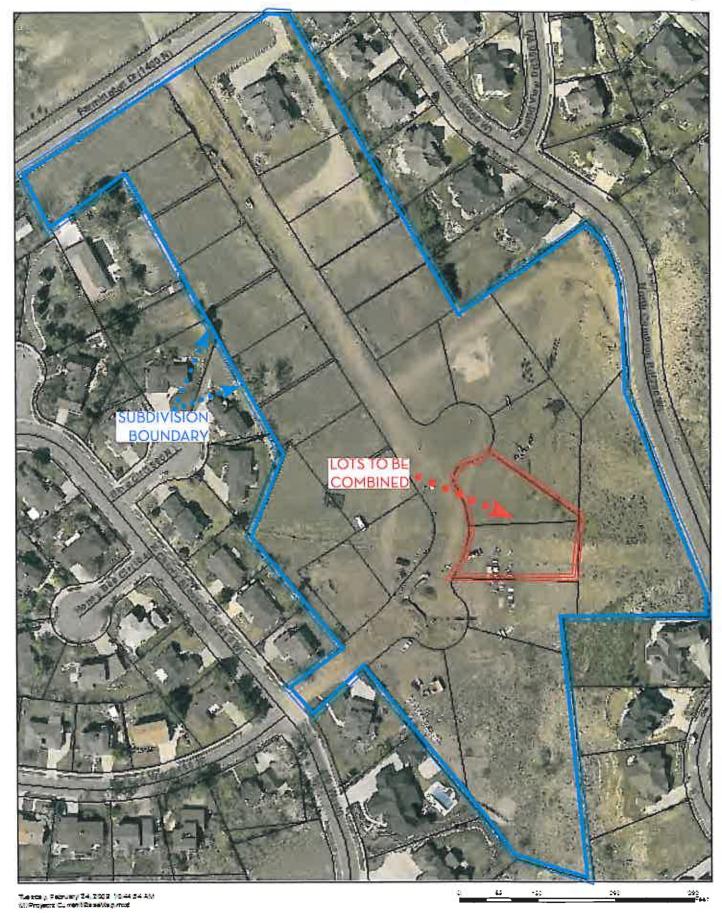
City Planner

Tove felle

Dave Millheim City Manager

# Farmington City







978 Woodoak Lane Salt Lake City, Ut 84117

801-"1"-"440 No**ye##B**e#**970017** 

Robert and Nancy Reynolds 546 East 800 South Centerville, UT 84014

Mr. & Mrs. Reynolds:

tvory Development understands that you are working with Farmington City to amend the East Brentwood Estates subdivision plat. This plat was recorded on May 12, 2015 in the office of the Davis County Recorder as Entry Number 2866391. We also understand that the purpose of the amendment is to combine lots 21 & 22 into one building lot.

As part of the review and approval process with Farmington City they have requested an acknowledgement from the original developer. Please accept this letter as lvory Development's acknowledgement of the plat amendment. Ivory does not object to the amendment as long as it is completed according to the requirements of Farmington City.

Sincerely,

Ivory Development

Chris Gamvroulas

## Vicinity Map

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## **East Brentwood Estates**A Conservation Subdivision - 1st Amendment A part of the Southeast 1/4 of Section 2, T3N, R1W, SLB&M, U.S. Survey

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Farmington City, Davis County, Utah

September 2017

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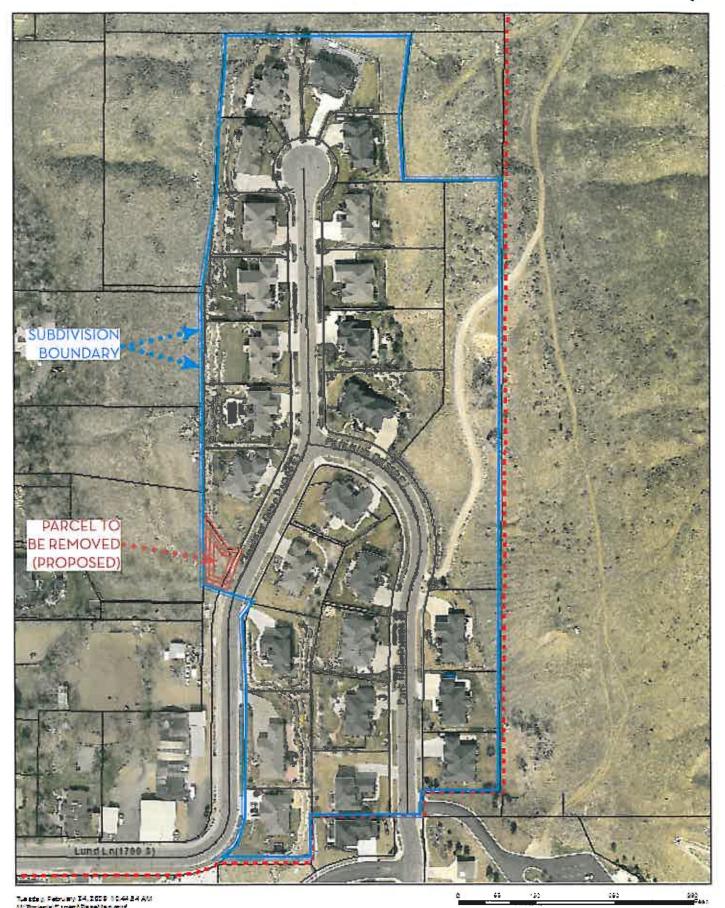
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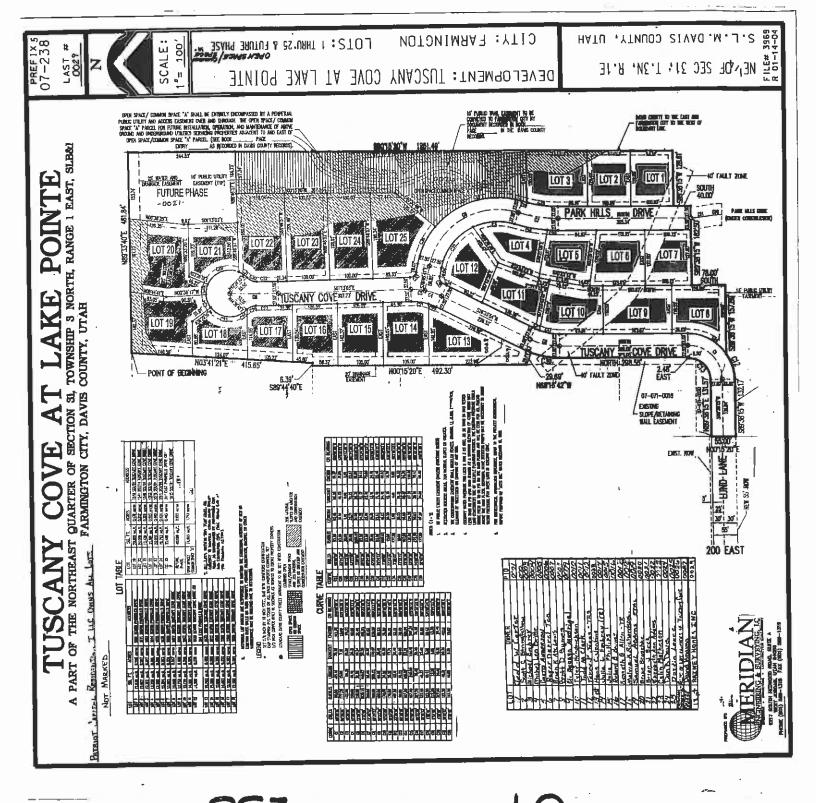
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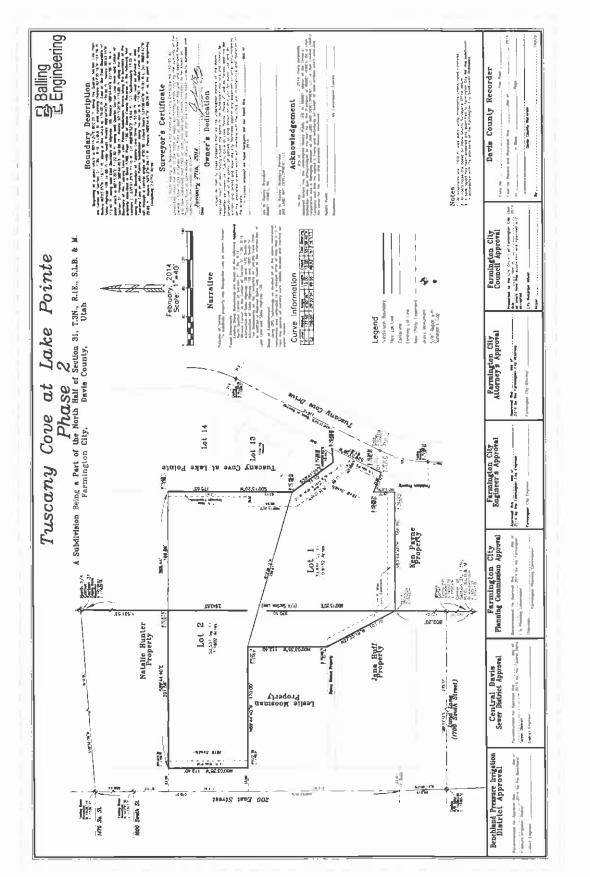
BANKS COUNTY ASSOCIATE

### Farmington City









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Surreyor's Cop Note Lot Land Cantanies Legend Date of grant and the Control of the Farmington City Council Approval Fourth Intercept Section Sections of the Collection Intercept Section (Intercept Section 2) and a section Section Court of Section 2), 12 in 2 in 1 the Section Court of Section 2), 12 in 2 in 1 the Section Court of the Section 2 in 1 the Sec Emma ser Estatekontronek.

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Free Fuzi Systematical Dave 12-27-17

### ORDINANCE NO. 2018 -

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN ORDER VACATING THE SOUTHERLY PORTION OF LOT 13 OF THE TUSCANY COVE AT LAKE POINTE AND DIRECTING THAT THE SAME BE RECORDED WITH THE DAVIS COUNTY RECORDER'S OFFICE.

WHEREAS, the City has previously received a petition from the fee owner, as shown on the last county assessment rolls, of land within the Tuscany Cove at Lake Pointe subdivision, to have the southerly portion of Lot 13 of such subdivision, further defined by the easterly portion of parcel number 070710085, and as described by Exhibit "A" attached hereto, in order to accommodate future development west of the subdivision; and

WHEREAS, public hearings regarding the petition was held by the City Council on January 2, 2018; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation and amendment of Lot 13 of the Tuscany Cove at Lake Pointe Subdivision; and

WHEREAS, the City previously approved boundary adjustments in the general vicinity of Lot 13 of the Tuscany Cove at Lake Pointe Subdivision and the development of these properties to the west will better serve to develop currently vacant and derelict property with single family homes; and

WHEREAS, the City Council desires to approve the vacation of, and amendment to, Lot 13 of the Tuscany Cove at Lake Pointe Subdivision.

### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

- Section 1. Vacation. The City Council hereby finds that neither the public nor any person will be materially injured by the proposed vacation of Lot 13 of the Tuscany Cove at Lake Pointe Subdivision and hereby authorizes the Mayor to enter into a Vacation and Amendment Order vacating and amending the same.
- Section 2. Recording. The Mayor is further directed to cause the Vacation Order to be recorded in the office of the Davis County Recorder's Office in accordance with Utah Code Ann. § 10-9-810(c), as amended.
- Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 4. Effective Date. This Oroposting, or thirty (30) days after passage, where the passage is a section of the passage of the passage.	dinance shall become effective upon publication or nichever occurs first.
PASSED AND ADOPTED BY THE STATE OF UTAH, THIS day of	E CITY COUNCIL OF FARMINGTON CITY,, 2018.
	FARMINGTON CITY
	By:
	H. James Talbot
	Mayor
ATTEST:	
Holly Gadd City Recorder	

### **VACATION ORDER NO. 2018 -**

A petition having been submitted in writing by the fee owner of the easterly portion of parcel 070710085 and the southerly portion of Lot 13 of the Tuscany Cove at Lake Pointe Subdivision, as shown on the last county assessment rolls, being a part of The Northeast Quarter of Section 31, T.3 N., R.1 E., S.L.B.& M, Davis County, Utah, as shown in the recorded plat of the Tuscany Cove at Lake Pointe subdivision.

The City Council of Farmington City, Utah, hereby finds and determines that neither the public nor any person will be materially injured by the vacation and amendment of Lot 13 of the Tuscany Cove at Lake Pointe Subdivision and that there is good cause for vacating and amending the same.

NOW, THEREFORE, IT IS HEREBY ORDERED that Lot 13 of the Tuscany Cove at Lake Pointe Subdivision previously filed in the office of the Davis County Recorder, State of Utah, on the 14<sup>th</sup> day of January, 2004, in Book 3455 of the official records, Page 1321, Entry No. 1952015, be and the same is hereby vacated pursuant to law.

APPROVED AND ORDER	RED BY THE CITY C	COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, ON THIS	day of	2018.
	FARMING	TON CITY
	By: H. Jame Mayor	s Talbot
ATTEST:		
Holly Gadd		
City Recorder		



### FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM N. MELLOR CORY R. RITZ CITY COUNCIL

DAVE MILLHEIM

### City Council Staff Report

To:

Honorable Mayor and City Council

From:

David E. Petersen, Community Development Director

Date:

January 2, 2018

SUBJECT:

CHRISTY LANE LICENSE AGREEMENT

### RECOMMENDATION

Move that the City Council approve the enclosed license agreement related to landscaping and maintaining Christy Lane.

### **BACKGROUND**

Enclosed is an email from Shane Moss received several weeks ago requesting use of the unopened Christly Lane right-of-way. This street is located off of Botts Drive in the Spring Creek Estates No. 3-C subdivision at approximately 550 North. The street stubs to the west boundary of the Flanders S&S railroad property. In the event Mr. Flanders, or his heirs, desire to provide or seek approval of a residential development in the future, Christy Lane will help provide access to better meet City requirements. For now, the Lane is an unimproved street (no curb, gutter, sidewalk, asphalt, etc.), and the Moss' want to landscape it and install a gravel RV pad. Public Works supports this request because is will relieve them of general maintenance of this property.

Please note the last sentence of Paragraph 9 of the agreement which states: "In the event the owner of Lot 602 of the Spring Creek Estates No. 6 subdivision (538 North Botts Drive, Davis County Tax I.D. No. 08-508-0602), which abuts the south boundary of the Right-of-way, desires to enter into a license agreement to use up to half, or the south part, of the Right-of-way, Owner hereby agrees to amend this agreement to allow the City to consider and accommodate such request". Presently, Gentry and Maria Smith own Lot 602, and have no desire to use the right-of-way at this time.

Respectively Submitted

Review and Concur

The pullan

David Petersen

Community Development Director

Dave Millheim City Manager

### LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into as of the \_\_\_\_\_ day of January, 2018, by and between FARMINGTON CITY, a Utah municipal corporation, hereinafter referred to as the "City", and SHANE MOSS and SARAH MOSS, hereinafter referred to as the "Permittee".

### **RECITALS:**

WHEREAS, the City owns public right-of-way known as Christy Lane, which property the City may utilize for public transportation, utility facilities and other purposes; and

WHEREAS, the Permittee owns 0.21 acres of property (the "Property") adjacent to Christy Lane on its south Property line, and the Property is further described in Exhibit "A", attached hereto and by this reference made a part hereof; and

WHEREAS, the Permittee is desirous of obtaining a permit from the City to provide and maintain landscaping and a gravel R.V. pad (the "Improvements") on the Christy Lane right-of-way (the "Right-of-way"), and the Improvements are more particularly shown on Exhibit "B," attached hereto and incorporated herein by this reference, consistent with the City's use of the Right-of-way; and

WHEREAS, the City is willing to grant a license and permit for such use, subject to the terms and conditions set forth below:

### **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1. The Recitals are hereby incorporated into this Agreement.
- 2. For the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the City hereby grants permission and license to Permittee to install and maintain Improvements within the Right-of-way. The landscaping shall be installed consistent with the plans attached hereto as Exhibit "B," and shall be subject to all conditions of this License Agreement.
- 3. Permittee will, at Permittee's sole expense remove, replace, or alter the Improvements installed by Permittee within the Right-of-way at the written request of the City. The City hereby agrees that it will not request removal, replacement or alteration of the Improvements unless such request is based on objective, demonstrable concern for public health and safety reasons, and Permittee shall restore and/or make the required changes to the Improvements within thirty (30) calendar days of notice from the City.

- 4. Permittee agrees that, at all times, this License shall be subject to any use of the Right-of-way the City may desire, and the City shall not be liable to Permittee for any loss of use or damage to the Improvements or private property.
- 5. Permittee agrees upon written notice from the City's Public Works Director, to repair any damage caused to the Right-of-way as a result of Permittee's, or its agents', employees' or invitees' use of the Right-of-way through this License Agreement.
- 6. Permittee agrees to indemnify, hold harmless and defend the City, its agents, employees and volunteers, from and against all claims, mechanics' liens, demands, damages, actions, costs and charges, for personal injury or property damage and other liabilities, including attorneys' fees, arising out of or by any reason of Permittee's use of the Right-of-way or any activities conducted thereon by Permittee, its agents, employees or invitees.
- 7. Permittee shall not assign this Agreement or any rights or interests herein without the prior written consent of the City. Any assignee approved by the City shall consent in writing to be bound by the terms of this Agreement as a condition of the assignment. Permittee shall not transfer, assign, sell, lease, encumber, or otherwise convey its rights and obligations under this Agreement separate from Permittee's interest in the Project and the Property.
- 8. This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, members, successors and assigns (where assignment is permitted). The covenants contained herein shall be deemed to run with the Property and the parties agree that a copy of this Agreement may be recorded in the office of the Davis County Recorder, State of Utah.
- 9. This License Agreement embodies the entire agreement between the parties and it cannot be changed except through a written instrument signed by both parties. In the event the owner of Lot 602 of the Spring Creek Estates No. 6 subdivision (538 North Botts Drive, Davis County Tax I.D. No. 08-508-0602), which abuts the south boundary of the Right-of-way, desires to enter into a license agreement to use up to half, or the south part, of the Right-of-way, Owner hereby agrees to amend this agreement to allow the City to consider and accommodate such request.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

	"CITY"		
ATTEST:	FARMINGTON CITY		
	By:		
City Recorder	Mayor		

### "PERMITTEE"

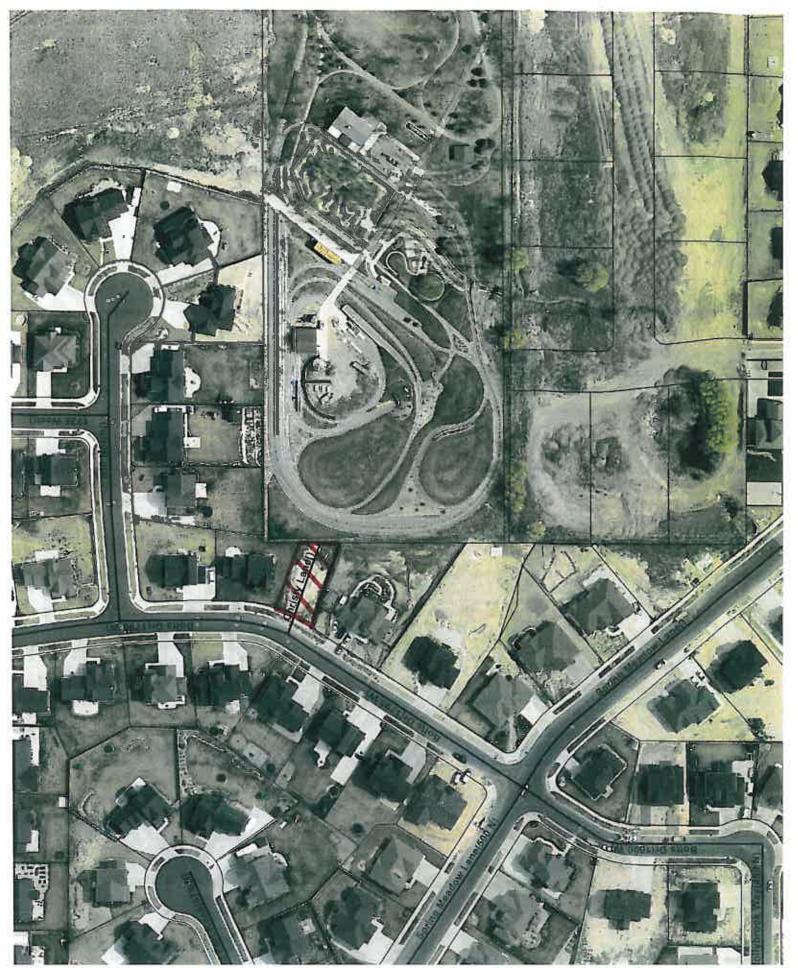
### "SHANE MOSS and SARAH MOSS"

Ву: _	
CITY ACKNOW	LEDGMENT
STATE OF UTAH ) : ss.  COUNTY OF DAVIS )  On the day of, 2018, p	personally appeared before me H. James Talbot,
who being by me duly sworn, did say that he is the corporation, and that said instrument was signed in body and said Mayor acknowledged to me that the	behalf of the City by authority of its governing
	NOTARY PUBLIC
My Commission Expires:	Residing at:

### PERMITTEE ACKNOWLEDGMENT

STATE OF UTAH )	
COUNTY OF)	
On this day of MOSS, who being by me duly sworn, did sa duly acknowledged to me that he executed the	, 20, personally appeared before me <b>SHANE</b> by that he is signer of the foregoing instrument, who he same.
	NOTARY PUBLIC
My Commission Expires:	Residing at:
STATE OF UTAH ) : ss. COUNTY OF)	ACKNOWLEDGMENT
: ss.  COUNTY OF)  On this day of	, 20, personally appeared before me SARAH
duly acknowledged to me that he executed t	ay that he is signer of the foregoing instrument, who he same.
	NOTARY PUBLIC
My Commission Expires:	Residing at:

### Exhibit "A"





### FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
CITY COUNCIL

DAVE MILLHEIM

### City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: January 2, 2018

SUBJECT: ROCK MILL ESTATES TRAIL REIMBURSEMENT AGREEMENT

### RECOMMENDATION

Move that the City Council approve the enclosed reimbursement agreements related to the trail in Rock Mill Estates subdivision.

### BACKGROUND

A trail will connect Cottonwood Road west to the County property via using the future City easement and the driveway across lots 9 and 10 (see attached plat). The developer has agreed to allow this common private drive to serve as a public trail whereby the owners of the respective lots will maintain the drive. However; even though the developer is willing to also install a trail between the west edge of the driveway serving Lot 10 and the west edge of the subdivision, he does not want to be responsible for the long term maintenance of this short span and he wants to get paid to construct it.

Respectively Submitted

David Petersen

Community Development Director

Review and Concur

Tave Millher

Dave Millheim City Manager Draft

### PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 2<sup>nd</sup> day of January, 2018, by and between FARMINGTON CITY, a Utah municipal corporation, hereinafter referred to as the "City," and ROCK MILL ESTATES, LLC, a Utah Limited Liability Company, hereinafter referred to as the "Developer."

### RECITALS:

WHEREAS, the Developer is developing a subdivision within the City at approximately 450 North 1650 West, referred to as the Rock Mill Estates Subdivision, which is more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof; and

WHEREAS, the Developer is required by City ordinance to install certain public improvements within the Subdivision; and

WHEREAS, some portions of those public improvements constitute system improvements as defined by the Utah State Impact Fee Act, *Utah Code Ann.*, § 11-36a-101, *et seq.* and qualify for reimbursement, or credits, through funds collected from impact fees; and

WHEREAS, the Developer desires to be reimbursed for the costs associated with the construction and installation of those certain public improvements which qualify as system improvements; and

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1. **Developer's Obligation**. Developer hereby agrees to install those system improvement components for parks and recreation (or trail) improvements for the Rock Mill Estates Subdivision as described in Exhibit "B" attached hereto and by this reference made a part hereof, which improvements are also set forth in the public improvement drawings approved by the City for the Meadow View Subdivision.
- 2. Parks and Recreation Reimbursement. Farmington City hereby agrees to reimburse Developer for the system improvement component of the total actual cost of the parks and recreation improvements subject to the terms of this Agreement. The parties hereby agree that the system improvement portion estimate of the improvements is approximately \$\_\_\_\_\_\_\_. The City shall provide a credit to Developer against park and recreation impact fees due and owing by the Developer to the City at the time building permits are issued for the Rock Mill Estates Subdivision.
  - a. No reimbursement shall be due hereunder to Developer until:

- i. the system improvements described herein for which reimbursement is requested or credits given have been fully completed, inspected and approved by the City; and
- ii. until the provisions of this Agreement require such reimbursement and/or credits.
- 3. **Full Payment**. The Developer specifically agrees to accept the credit against impact fees as set forth herein as full and final payment under the terms of this Agreement.
- 4. **Ownership and Maintenance**. Ownership of the system improvements which are subject of this Agreement shall be with the City after completion of construction of the same by the Developer and inspection and approval thereof by the City. Subject to any applicable warranty periods, the City will assume responsibility for maintenance, repair or replacement of the system and public improvements once they are completed by the Developer and accepted by the City.
- 5. Entire Agreement. This Agreement contains the entire agreement and understanding of the parties with respect to credits to the Developer for trails, system improvements, and public improvements, and supersedes all prior written or oral agreements, representations, promises, inducements or understandings between the parties with regard to any credits to Developer from the City.
- 6. **Binding Effect**. This Agreement shall be binding upon the parties hereto and their respective officers, employees, representatives agents, members, successors, and assigns.
- 7. Validity and Severability. If any section, clause or portion of this Agreement is declared invalid by a court of competent jurisdiction for any reason, the remainder shall not be affected thereby and shall remain in full force and effect.
- 8. **Amendment**. This Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Reimbursement Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

	"CITY"
ATTEST:	FARMINGTON CITY
City Recorder	By:
ATTEST:	"DEVELOPER"
	ROCK MILL ESTATES DEVELOPMENT LLC. a Utah Limited Liability Company
	By: Its:

### CITY ACKNOWLEDGMENT

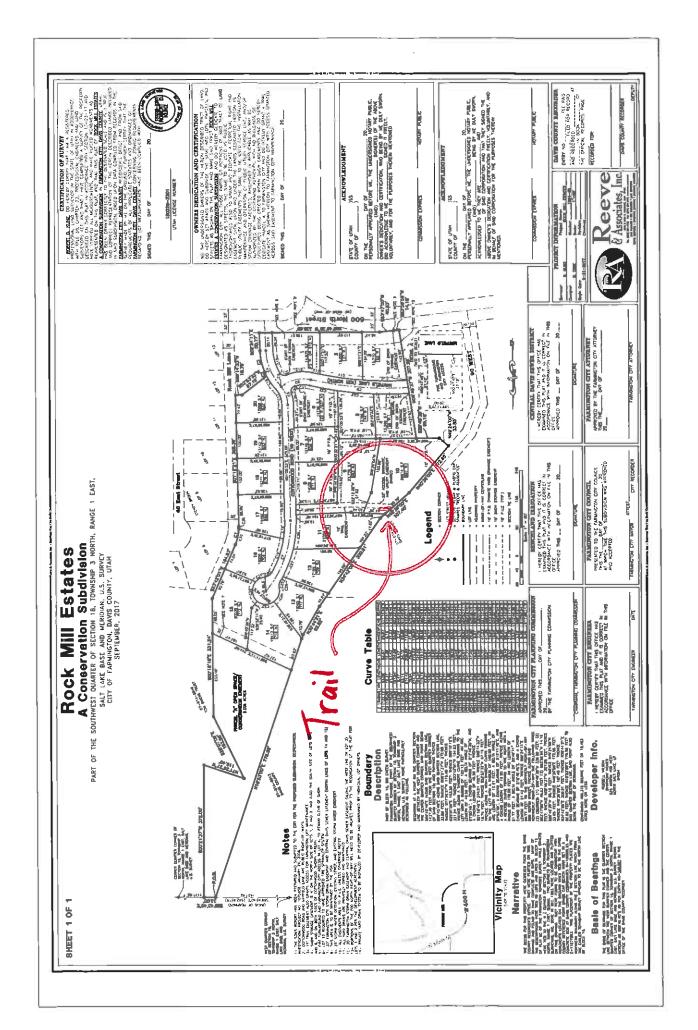
STATE OF UTAH	)	
COUNTY OF DAVIS	: ss. )	
Talbot, who being by me di municipal corporation, and	aly sworn, did s that said instru	, 2018, personally appeared before me H. James ay that he is the Mayor of <b>FARMINGTON CITY</b> , a ment was signed in behalf of the City by authority of dedged to me that the City executed the same.
		NOTARY PUBLIC
	DEVELOPER	ACKNOWLEDGMENT
STATE OF UTAH ) : ss. COUNTY OF DAVIS	)	
ESTATES LLC, a Utah li was signed on behalf of said	g by me duly sw imited liability of I limited liabilit	, 2018, personally appeared before me orn did say that (s)he is the manager of <b>ROCK MILL</b> company, and that the within and foregoing instrument y company by authority of its Articles of Organization ted liability company executed the same.
		Notary Public

### **EXHIBIT "A"**

### **Legal Description**

### **EXHIBIT "B"**

### Parks and Recreation (Trail) System Improvement Components and Costs





### FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
CITY COUNCIL

DAVE MILLHEIM CITY MANAGER

### City Council Staff Report

To:

Honorable Mayor and City Council

From:

David E. Petersen, Community Development Director

Date:

January 2, 2018

SUBJECT:

**ROCK MILL ESTATES 600 NORTH LICENSE AGREEMENT** 

### RECOMMENDATION

Move that the City Council approve the enclosed license agreement related to landscaping and maintaining a portion of 600 North Street.

### BACKGROUND

As set forth in a prior 2010 agreement, the developers of Rock Mill Estates are required to landscape and maintain a portion of the 600 North right-of-way. The enclosed license agreement allows them to do so, and is consistent with similar license agreements the City has entered into in the past.

Respectively Submitted

David Petersen

Community Development Director

Jul 3 Peterse

Review and Concur

Dave Millheim City Manager

### LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into as of the \_\_\_\_\_ day of January, 2018, by and between FARMINGTON CITY, a Utah municipal corporation, hereinafter referred to as the "City", and ROCK MILL ESTATES LLC, a Utah Limited Liability Company, hereinafter referred to as the "Permittee".

### **RECITALS:**

WHEREAS, the City owns public right-of-way known as 600 North Street, which property the City utilizes for public transportation, utility facilities and other purposes; and

WHEREAS, the Permittee owns 10.453 acres of property (the "Property") adjacent to 600 North on its south Property line, and the Property is further described in Exhibit "A", attached hereto and by this reference made a part hereof; and

WHEREAS, the City approved a subdivision consisting of 20 single-family residential lots on the Property known as Rock Mill Estates LLC (the "Project"), and the Project is now under construction; and

WHEREAS, the Permittee is desirous of obtaining a permit from the City to provide landscaping (the "Improvements") on a portion of the 600 North right-of-way (the "Right-of-way), and to maintain the same, and is required do so as set forth in a property exchange and development agreement made and entered into on September 13, 2010, and recorded in the office of the Davis County Recorder or November 11, 2011 (Entry 2578609, Book 5187, Page 158–255), and the Improvements are more particularly shown on Exhibit "B," attached hereto and incorporated herein by this reference, consistent with the City's use of the Right-of-way; and

WHEREAS, the City is willing to grant a license and permit for such use, subject to the terms and conditions set forth below:

### **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1. The Recitals are hereby incorporated into this Agreement.
- 2. For the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the City hereby grants permission and license to Permittee to install and maintain Improvements within the Right-of-way. The landscaping shall be installed consistent with the plans attached hereto as Exhibit "B," and shall be subject to all conditions of this License Agreement.
- 3. Permittee will, at Permittee's sole expense remove, replace, or alter the Improvements installed by Permittee within the Right-of-way at the written request of the City.

The City hereby agrees that it will not request removal, replacement or alteration of the Improvements unless such request is based on objective, demonstrable concern for public health and safety reasons, and Permittee shall restore and/or make the required changes to the Improvements within thirty (30) calendar days of notice from the City.

- 4. Permittee agrees that, at all times, this License shall be subject to any use of the Right-of-way the City may desire, and the City shall not be liable to Permittee for any loss of use or damage to the Improvements or private property.
- 5. Permittee agrees upon written notice from the City's Public Works Director, to repair any damage caused to the Right-of-way as a result of Permittee's, or its agents', employees' or invitees' use of the Right-of-way through this License Agreement.
- 6. Permittee agrees to indemnify, hold harmless and defend the City, its agents, employees and volunteers, from and against all claims, mechanics' liens, demands, damages, actions, costs and charges, for personal injury or property damage and other liabilities, including attorneys' fees, arising out of or by any reason of Permittee's use of the Right-of-way or any activities conducted thereon by Permittee, its agents, employees or invitees.
- 7. Permittee shall not assign this Agreement or any rights or interests herein without the prior written consent of the City. Any assignee approved by the City shall consent in writing to be bound by the terms of this Agreement as a condition of the assignment. Permittee shall not transfer, assign, sell, lease, encumber, or otherwise convey its rights and obligations under this Agreement separate from Permittee's interest in the Project and the Property.
- 8. This Agreement shall be binding upon the parties hereto and their respective officers, agents, employees, members, successors and assigns (where assignment is permitted). The covenants contained herein shall be deemed to run with the Property and the parties agree that a copy of this Agreement may be recorded in the office of the Davis County Recorder, State of Utah.
- 9. This License Agreement embodies the entire agreement between the parties and it cannot be changed except through a written instrument signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

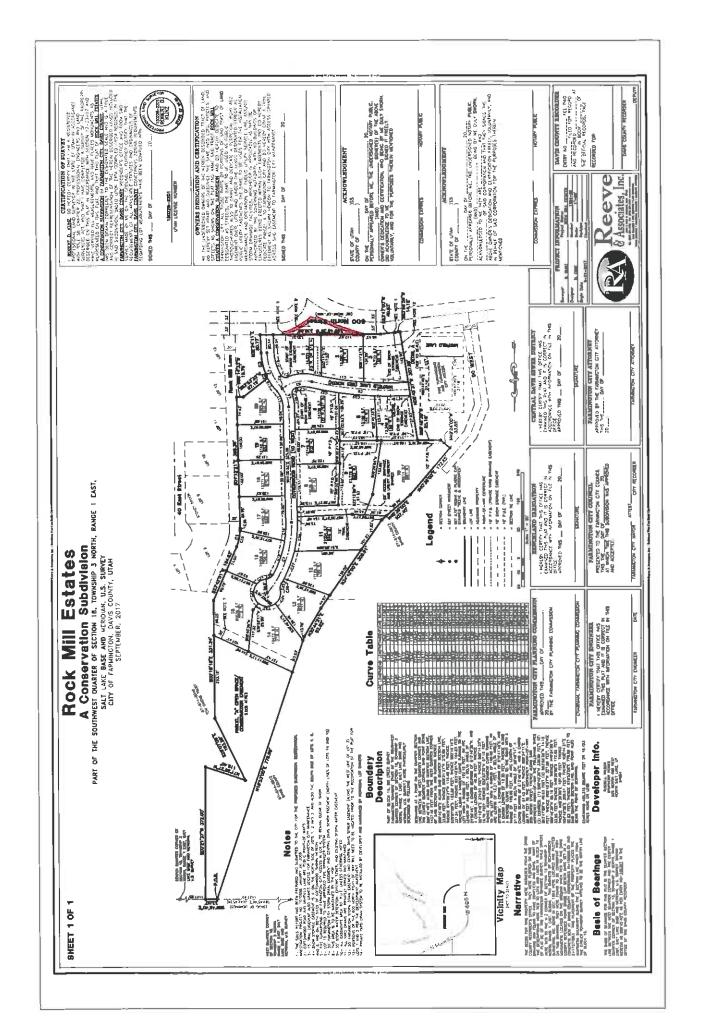
	"CITY"	
ATTEST:	FARMINGTON CITY	
	By:	
City Recoder	Mayor	

"PERMITTEE"	
"ROCK MILL ESTATES LLC"	

Ву:	 	
Its:	 	

### CITY ACKNOWLEDGMENT

STATE OF UTAH )		
COUNTY OF DAVIS	SS.	
who being by me duly sworn corporation, and that said ins	, 2018, personally appeared before me H. James Talb id say that he is the Mayor of <b>FARMINGTON CITY</b> , a municipatent was signed in behalf of the City by authority of its governitedged to me that the City executed the same.	pal
	NOTARY PUBLIC	
My Commission Expires:	Residing at:	
STATE OF UTAH	RMITTEE ACKNOWLEDGMENT ss.	
	ss.	
COUNTY OF DAVIS		
managing member of Rock foregoing instrument was s Articles of Organizat	2018, personally appeared before region, who being by me duly sworn, did say that (s)he is states LLC, a Utah Limited Liability Company, and that need on behalf of said Rock Mill Estates LLC by authority of a and duly acknowledgment to me that sexecuted the same.	s a the
	Notary Public Residing at:	





### FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON DOUG ANDERSON JOHN BILTON BRIGHAM N. MELLOR CORY R. RITZ CITY COLNCIL

DAVE MILLHEIM

### City Council Staff Report

To:

Honorable Mayor and City Council

From:

David E. Petersen, Community Development Director

Date:

January 2, 2018

SUBJECT:

ROAD DEDICATION PLAT MODIFICATION

### RECOMMENDATION

Approve the change to the Farmington High School Road Dedication Plat.

### **BACKGROUND**

With the construction of the new high school and seminary building, the City is obtaining additional right-of-way on Glover's Lane and 650 West Street. The City Council previously approved the same, but since then one of the property owners made a request to modify the owners dedication as "red-lined" on the enclosed plat. The City Attorney is okay with the request.

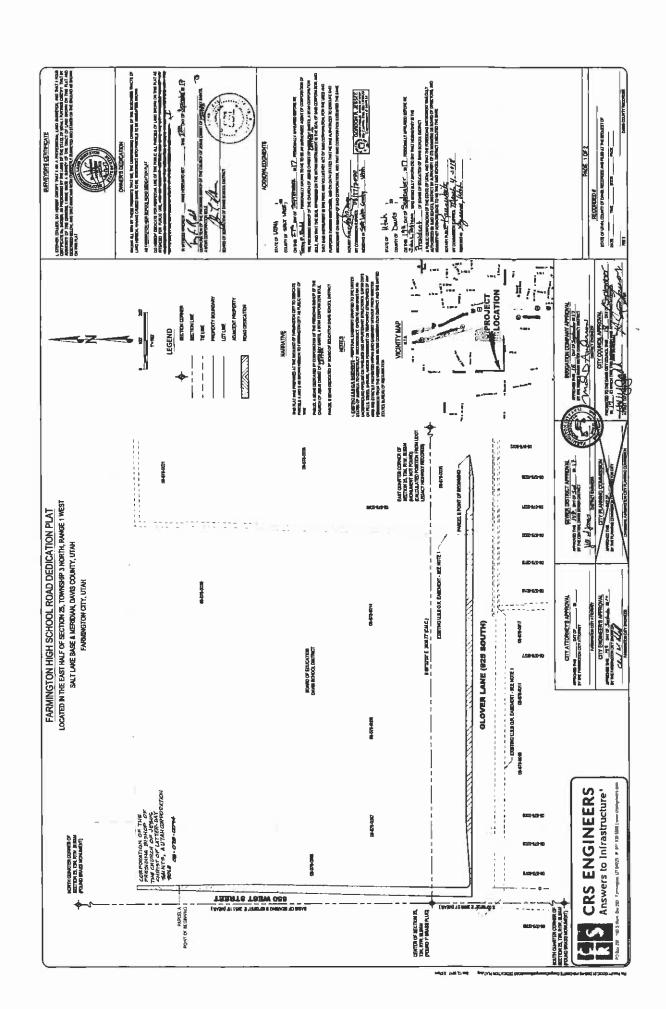
Respectively Submitted

Review and Concur

David Petersen

Community Development Director

Dave Millheim City Manager



### CITY COUNCIL AGENDA

For Council Meeting: January 2, 2018

### S U B J E C T: City Manager Report

- 1. Fire Monthly Activity Report for November
- Executive Summary for Planning Commission held December 14, 2017
- 3. TDR Report
- 4. Report on Tiger Grant
- 5. Wasatch Choice and Metro Solutions Conference January 23rd
- 6. West Davis Corridor Scenic By-way Open House January 23rd
- 7. Pickleball Scheduling Challenges



### Farmington City Fire Department Monthly Activity Report



### **November 2017**



### **Emergency Services**

Fire / Rescue Related Calls:

**Total PT Staffing Hours:** 

31

All Fires, Rescues, Haz-Mat, Vehicle Accidents, CO Calls, False Alarms, Brush Fires, EMS Scene Support, etc...

Ambulance / EMS Related Calls:

69 / Transported 48 (69%)

Medicals, Traumatic Incidents, Transfers, CO Calls w/ Symptomatic Patients, Medical Alarms, etc...

Calls Missed / Unable to Adequately Staff: 1 (1%)

On-Duty Crew / Shift Dynamic Data / October 1<sup>st</sup> - 31<sup>st</sup>

Incident / On-Scene Hours / Month Total: 33.8 Hrs. (Approximate 135 Man Hours)

EMS Transport / Turn-Around Hours / Month Total: 92 Hrs. (Approximate 184 Man Hours)

Urgent EMS Related Response Times (AVG): 5.55 Min/Sec GOAL 5 minutes or less (+0.55)
Urgent Fire Related Response Times (AVG): 6.42 Min/Sec GOAL 5 minutes or less (+1.42)

### Part-Time Man-Hours (based on the following 28-day (Two Pay Periods Nov 10th, and Nov 24th)

Part-Time Shift Staffing:	1,444	Budgeted 1,344	Variance + 100
Part-Time Secretary:	100	Budgeted 100	Variance + 0
Part-Time Fire Marshal:	85	Budgeted 80	Variance + 5
Part-Time Fire Inspector	0	Budgeted 75	Variance - 75
Full-Time Captains x3 & Engineers x2:	N/A	48/96 Hour Schedule	Overtime + 32
Full-Time Fire Chief:	N/A	Salary Exempt	
Training & Drills:	81	1435 (YTD)	
Emergency Callbacks:	67	FIRE 16Hrs. / EMS 51 H	irs. (YTD) 1,273.5
Special Event Hours:	0	98.5 (YTD)	

1,777

24,332 (YTD)

### **Monthly Revenues & Grant Activity YTD**

### Ambulance (October 2017):

Ambulance Services Billed	<b>Month</b> \$77,099.56	<b>Calendar Year</b> \$692,699.36	<b>FY 2018</b> \$134,771.7	8
Ambulance Billing Collected Variances: Collection Percentages	\$18,715.74 \$58,383.82 24%	· ·	· · · · · ·	
Grants / Assistance / Donation Grants Applied For:  NONE	ons	\$0		\$13,200 YTD
Grants / Funds Received / Do	onations / Aw			713,200 TTD
NONE	onations / Aw	\$0		\$16,619 YTD
Department Training & Man Officers Monthly Meeting & Shift Drill #1 – FIRE – Violent Shift Drill #3 – EMS – Violent Shift Drill #4 – FIRE – Tool Ma Shift Drill #5 – EMS – Entrapp Shift Drill #6 – FIRE – Ladder Firefighter Cancer Reduction Fire Service Leadership Train	Training Incidents Medical Aintenance Ded Patient Cal Rescue / Awareness	15 24 24 24 re 24 24 12		
Total Training / Actual Hour	s Attended:	159	9	2,024 HRS YTD
Fire Prevention & Inspection New Business Inspections: Existing Business Inspections: Re-Inspections: Fire Plan Reviews & Related Consultations & Constructio Station Tours & Public Education	s: : n Meetings:		Hrs.	185 YTD
Health, Wellness & Safety Activities Reportable Injuries: NONE Physical Fitness / Gym Membership Participation % Chaplaincy Events:		Q1 0 :ipation % 10 1	<b>'Y</b> 0%	3 YTD
FFD Committees & Other Interpretation				5 YTD

### Additional / Overview Narrative:

Emergent response times averaged six minutes for both Fire and EMS incidents. Only one call resulted in "no-staffing" or "short-staffing" of apparatus (on-duty crew attending to other calls and/or part-time staffing not available due to lack of availability). 69% of all Ambulance calls

resulted in transporting patients to local hospitals.

Collections of Ambulance / Transport revenues continue
with little predictability due to collection & mandated billing
variables.

FFD responded to various critical incidents throughout the month resulting in several fatalities. FFD also received several requests for deployments to California; however, was not activated. As stated in previous reports, these deployment requests have become more frequent over the past years and are well compensated. Department training encompassed a variety of Fire & EMS topics to include: Violent response tactics, Rescue Tool Maintenance, Entrapped Rescue, Ladder Rescues, Fire Service Cancer Reduction, and Fire Service Leadership Training. November proved to be a month of unforeseen fire apparatus repairs. Any additional significant service needs may require amendments to specific budget line items as our scheduled / mandated apparatus testing is also due. City growth and development continues to tax our abilities to maintain plan reviews and inspections. We are working very hard to keep up with demands.

FFD was able to participate in several community events to include the Veterans Day service and the annual Channel 2 morning event "Day of Thanks" sponsored by Harmons and Home Depot. FFD continues to collect coats and winter clothing for the less fortunate. This year FFD teamed up with the "Operation Cover-up" program to better target those in need. We would like to recognize one of our own city employees Mr. Ken Klinker who (with help from his wife) donated a couple of boxes of knitted hats – Strong work!







### We wish you all a Merry Christmas and a Happy New Year!

Please feel free to contact myself at your convenience with questions, comments or concerns: Office (801) 939-9260 or email <a href="mailto:qsmith@farmington.utah.gov">qsmith@farmington.utah.gov</a>

Respectfully,

Guido Smith Fire Chief



### - PRIDE IN FARMINGTON -





### FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COCNER.

DAVE MILLHEIM

### City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson – City Planner

Date: January 2, 2018

SUBJECT: EXECUTIVE SUMMARY – PLANNING COMMISSION – DECEMBER 14, 2017

### RECOMMENDATION

No action required.

### **BACKGROUND**

The following is a summary of Planning Commission review and action on December 14, 2017 [note: four commissioners attended the meeting—Acting Chair Alex Leeman, Rebecca Wayment, Roger Child, and Brett Gallacher. Commissioners Kent Hinckley, Heather Barnum, and Connie Deianni were excused.

Item 3 Joe Kennard/Randy Rigby (Public Hearing) – Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 34 lot Mountain View PUD Subdivision on 11.93 acres of property located at approximately 650 West and 250 South, and a rezone from AE (Agriculture Estates) to an R (Residential) zone and a general plan amendment from RRD (Rural Residential Density) and AG (Agriculture Preservation) to LDR (Low Density Residential) related thereto. (S-12-17 and Z-2-17)

The discussion centered around density. The majority of the commissioners felt that the density fits the property and that the proposed subdivision provides a mix of housing types, and meets a market need that is currently underserved. They also felt that the west side is changing and that the City needs to start preparing for impending growth and providing more housing options than quarter to half acre lots. The other commissioner felt that the density was still too high and that this project does not fit the neighborhood.

Voted to recommend that the City Council approve the rezone, schematic plan, and preliminary PUD master plan as written in the staff report.

Vote: 3-1 (With Rebecca Wayment being the dissenting vote.)

<u>Item 4</u> Farmington City (Public Hearing) – Applicant is requesting conditional use and site plan approval of a round-about design as a public use on property at Clark Lane and 1100 West in an A (Agriculture) zone. (C-17-17)

Voted to table the item to give the Planning Commission time to meet with the applicant to discuss the water feature.

Vote: 4-0

Item 5 Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a zone text amendment to Chapter 18 of the Zoning Ordinance related to the Regulating Plan. (ZT-4-17)

Voted to recommend that the City Council approve the zone text amendment as written in the staff report with an amendment to the height restriction table.

Vote: 4-0

Item 6 Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a zone text amendment to Chapter 27 of the Zoning Ordinance related to Planned Unit Developments (PUDs). (ZT-5-17)

Voted to recommend that the City Council approve the zone text amendment as written in the staff report with a minor amendment to the wording in Section 11-27-150.

Vote: 4-0

Item 7a Victor Iverson (Public Hearing) – Applicant is requesting approval of an existing accessory structure in a side yard legalizing a non-conforming use on .21 acres of property located at 18 W. Rice Lane in an R (Residential) zone. (M-6-17)

Voted to approve the item as written in the staff report with an amendment to the condition for approval stating that the applicant needs to receive administrative approval for a variance of the side setback.

Vote: 4-0

Respectfully Submitted

Eric Anderson City Planner Review & Concur
Tave full

Dave Millheim City Manager TARHFT (2.28-17

Subdivision         Application # Approval Date         Developer         # Lots date         Price/Unit         \$ Amount           Tuscany Grove         5-14-14         12.2.14         Elite Craft Homes         2         3:3.15         10.6.15         20,972.97         \$ 21,206.40 <th></th> <th></th> <th></th> <th></th> <th></th> <th>Final Plat</th> <th></th> <th></th>						Final Plat		
ove         Application#         Approval Date         Developer         # Lots date         Price/Unit         \$ Amount           ove         S-14-14         12.2.14         Ellte Craft Hornes         2         3.3.15         10,972.97         \$           Creek Est III         S-31-15         9.13.15         Ben Barrus         1         10.6.15         21,206.40           ew I         S-17-14         3.4.14         Jared Darger         5         4.14.95         6,000           owns         S-28-15         9.1.15         Bruce Bassett         13         18,076.92           t received yet         23         180,076.92         5           rk beginning TDR amount         100         100         100           ring         100         100         100			Schematic Plan			Approval		
Ove         S-14-14         12.2.14         Ellte Craft Homes         2         3.3.15         10,615         20,972.97           Creek Est III         S-31-15         9.13.15         Ben Barrus         1         10.6.15         21,206.40           ew I         S-1-14         3.4.14         Jared Darger         5         4.14.95         6,000           owns         S-28-15         9.1.15         Bruce Bassett         13         4.14.95         6,000           treceived yet         2         4.14.95         18,076.92         18,076.92           rk beginning TDR amount         100         100         100         100           rk beginning         100         100         100         100	Subdivision	Application #	Approval Date	Developer	# Lots	date		s Amount
Creek Est III         S-31-15         9-13-15         Ben Barrus         1         10-6.15         21,206.40           ew I         S-1-14         3.4.14         Jared Darger         5         21,206.40         21,206.40           owns         S-17-14         2.19.15         Justin Atwater         2         4,14.95         6,000           t received yet         S-28-15         9,1.15         Bruce Bassett         13         18,076.92           rk beginning TDR amount         23         23         20         5           ring         100         100         100         100	Tuscany <b>Grove</b>	5-14-14	12.2.21	Elite Craft Homes	7	3.3.15	10,972.97	\$23,945.94
ew I         S-1-14         3.4.14         Jared Darger         5         21,206.40           owns         S-17-14         2.19.15         Justin Atwater         2         4.14.95         6,000           t received yet         S-28-15         9.1.15         Bruce Bassett         13         18,076.92           t received yet         23         23         23         14.10           rk beginning TDR amount         120         120         120           rining         77         77         120	Farmington Creek Est III	5-31-15	9.13.15	Ben Barrus	н	10.6.15		\$ 24,5000.00
owns         S-17-14         2.19.15         Justin Atwater         2         4,14,95         6,000           13         S-28-15         9,1.15         Bruce Bassett         13         18,076.92           12         13         18,076.92         18,076.92           13         13         18,076.92           14         13         18,076.92           15         10         10           15         10         10           10         10         10           10         10         10           10         10         10           10         10         10	Meadow View I	S-1-14	3.4.14	Jared Darger	2		21,206.40	\$106,032.00
S-28-15         9.1.15         Bruce Bassett         13         18,076.92           t received yet         23         23           rk beginning TDR amount         100         100           ning         77         100	Parkwalk Downs	5-17-14	2.19.15	Justin Atwater	2	4.14.95	9'000	* 00'000'215
DR amount 23	Eagle Cove	5-28-15	9,1.15	Bruce Bassett	13		18,076.92	\$235,000.00
23 1400 77	* Money not received yet							
	TOTAL				23			\$519,977.94
	Regional park beginning TDR amour	nt			100			
	TDR's remaining				77			
	Total waiver amount for open space							\$316,750.00
Total waiver amount for open space \$316,750.0	TOTAL TDR & WAIVER							\$836,727.00

### TDR AGREEMENT

4. <u>Binding Effect</u> . The covenants contained within this Agreement shall run with the land, shall be recorded with the Davis County Recorder's Office, and shall be binding upon the officers, employees, agents, representatives, successors in interest and the assigns of the parties.
3. <u>Default</u> . This agreement becomes null and void and hereby terminated in the event the City's approval of the Preliminary Plat, or Final Plat, expires—the timing of each respective expiration period is set forth in the City's Subdivision Ordinance.
2. TDR Value and Payment. The value of each TDR is owner must pay the TDR of which for allTDR's is(the "TDR Amount"). The owner must pay the TDR Amount to the City prior to the recordation of the final plat (the "Final Plat"), or the Final Plat for the first phase, of the Project.
1. TDR. Concurrent with the execution of this agreement, the City passed resolution attached hereto as Exhibit "C" and by this reference made a part hereof establishing the exchange of TDR's whereby the sending zone is property owned by the City at Cavis County Tax I.D. # ) and the receiving zone is the Property referenced herein.
NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:
WHEREAS, Section 11-28-240 of the City's Zoning Ordinance enables the transaction of TDR's, at the sole discretion of the City, and the City desires to approve such transfer;
WHEREAS, Owner is proposing that of the lots shall consist of transfer lots, or Transfer of Development Right lots (TDR's); and
WHEREAS, Owner's Property is zoned; and Owner desires to develop a subdivision containing lots, known as, and the City approved a preliminary plat (the "Preliminary Plat" for the same on which is set forth herein as Exhibit "B", attached hereto and by this reference made a part hereof (the "Project"); and
WHEREAS, Owner own property located within Farmington City, which property is located at, containing approximately acres (Davis County Tax I.D. #, more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (hereinafter the "Property"); and
KECILYTZ
THIS AGREEMENT is made and entered into this day of, by and between, a, leteinafter "Owner") and FARMINGTON CITY, a Utah Municipal Corporation (hereinafter the "City").

without the prior written consent of the City, which consent shall not be unreasonably withheld. 5. Assignment. Owner shall not assign this Agreement or any rights or interests herein

pt requested, postage prepaid, to its address shown hereunder shall be in writing and shall be served personally upon the party for whom intended, 6. <u>Notice</u>. Any notices, requests and/or demands required or desired to be given

Atte 00.1 O.9	ington City hion: City Manager South Main Box 160 ington, Utah 84025
<u>1 oT</u>	e City:
<u>t oT</u>	G OWNEES:
or if mailed, below:	by certified mail, return recei

Any party may change its address or notice by giving written notice to the other party in

accordance with the provisions of this section.

7. Amendments. Any amendments to this Agreement must be in writing and signed by

the respective parties hereto.

through their respective duly authorized representatives as of the day and year first hereinabove IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and

written.

CILK	<b>FARMINGTON</b>
	"CITY"

Mayor	
Ву:	

City Recorder

**YTTEST:** 

	Ву:
	Ву:
2771	
AEB.,	MO»

### CILA YCKNOMFEDGEMENT

	:	Residing at	sərires:	My Commission I
	TARY PUBLIC	<u>.ON</u>		
executed the	l acknowledged to me that they	ect property and		vecord property ov foregoing Agreem
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before me	bersonally appeared		day of	On the
			NIS LAKE)	COUNTY OF DA
		(	1	STATE OF UTAH
OMNEBS ACKNOWLEDGEMENT				
		Residing at:	:səriqx	My Commission E
	.YRY PUBLIC	LON		
COUNTY OF DAVIS LAKE)  On the day of, who being by me duly sworn, did say that he is the Mayor of Earmington City, a municipal corporation, and that said instrument was signed in behalf of the executed the same.  Executed the same.				
		(		STATE OF UTAH

Exhibit "A"
Property Description

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## Keynote Speakers

Co-authors of The New Localism: How Cities Can Thrive in the Age of Populism (release date 2018) Bruce J. Katz and Jeremy Nowak

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### CITY COUNCIL AGENDA

For Council Meeting: January 2, 2018

S U B J E C T: Mayor Talbot & City Council Reports